

# **RETAIL FOOD ESTABLISHMENT SANITATION REQUIREMENTS**

**TITLE 410 IAC 7-20**

**Effective April 29, 2000**

## **INDIANA STATE DEPARTMENT OF HEALTH**

**Indiana State Department of Health  
2 North Meridian Street  
Indianapolis, IN 46204**

# PREFACE

The Indiana State Department of Health is authorized by law to ensure that foods are safe, wholesome and sanitary; regulated products are honestly and accurately represented; and, these products are in compliance with the state laws and regulations. The following rule, 410 IAC 7-20, Retail Food Establishment Sanitation Requirements, is designed to offer a more comprehensive approach to protecting the consumer from contaminated food and foodborne illness.

Foodborne illness in the United States is a major cause of personal distress, preventable death and avoidable economic burden. In 1994, the Council for Agricultural Science and Technology estimated 6.5 to 33 million people become ill from microorganisms in food resulting in as many as 9,000 needless deaths every year.

For many victims, foodborne illness results only in discomfort or lost time from the job. For some, especially preschool age children, older adults in health care facilities, and those with impaired immune systems, foodborne illness is more serious and may be life threatening. The annual cost of foodborne illness in terms of pain and suffering, reduced productivity, and medical costs is estimated to be in the billions of dollars.

According to the Centers for Disease Control and Prevention, foodborne illness outbreaks caused by the mishandling of food occurred most often within the retail segment of the food industry, such as restaurants, markets, schools, camps, churches and institutions, where ready-to-eat food is prepared and provided to the public for consumption.

It is a shared responsibility of the food industry and the government to ensure that food provided to the consumer is safe and does not become a vehicle in a disease outbreak or in the transmission of communicable disease. This shared responsibility extends to ensuring that consumer expectations are met and that food is unadulterated, prepared in a clean environment and honestly presented.

Accordingly, the provisions of the rule provide a system of prevention and overlapping safeguards designed to minimize foodborne illness, such as ensuring employee health, industry manager knowledge, safe food, nontoxic and easily cleanable equipment and acceptable levels of sanitation on food establishment premises.

The rule addresses controls for risk factors identified by the Centers for Disease Control and Prevention as contributors to foodborne outbreaks that have been investigated and confirmed. Those factors are unsafe sources, inadequate cooking, improper holding, contaminated equipment, and poor personal hygiene. It further establishes five (5) key public health interventions to protect consumer health, specifically, foodborne illness prevention training, employee health controls, controlling hands as a vehicle of contamination, time and temperature parameters for controlling pathogens, and the consumer advisory.

The rule is designed to emphasize the areas of food safety that are considered critical and if not properly followed are more likely than others to result in a food contamination, illness or other environmental health hazard. Each section title of the rule that is considered of “critical” importance is highlighted at the end of the line with an asterisk (\*). If no asterisk appears after the title, it should be considered as “noncritical” in importance. In addition, there are areas within a section designated as critical that may have a “NC” at the end of a sentence or paragraph. This indicates that this part of the section is also of noncritical importance. Furthermore, some sections designated as critical may have an “S” at the end of a title section or sentence within a section. This indicates that the section or part of the section is a “swing” item and can be considered as critical or noncritical depending on the circumstances at the time of the inspection.

Appendix A and B display and cross-reference the inspection report form and the proper method of utilizing the rule as it relates to citing of violations observed during an inspection. The menu categories are listed as a means of understanding the degree of risk associated with the increased level of food handling.

In the future, the rule is anticipated to undergo revision more frequently with the objective of staying abreast of current science and industry trends.

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# **410 IAC 7-20**

## **Retail Food Establishment Sanitation Requirements**

### **DEFINITIONS**

**Sections 2-93**

#### **Section 1 Applicability**

The definitions in this rule apply throughout this rule.

#### **Section 2 “Adulterated” Defined**

“Adulterated” has the meaning set forth in IC 16-42-1 through IC 16-42-4.

#### **Section 3 “Approved” Defined**

“Approved” means acceptable to the regulatory authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

#### **Section 4 “a<sub>w</sub>” Defined**

“a<sub>w</sub>” means water activity that is:

- (1) a measure of the free moisture in a food;
- (2) the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature; and
- (3) indicated by the symbol a<sub>w</sub>.

#### **Section 5 “Beverage” Defined**

“Beverage” means a liquid for drinking, including water.

#### **Section 6 “Bottled Drinking Water” Defined**

“Bottled drinking water” means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.

#### **Section 7 “Certification Number” Defined**

“Certification number” means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

## **Section 8 “CFR” Defined**

“CFR” means the Code of Federal Regulations.

## **Section 9 “CIP” Defined**

“CIP” means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine. The term does not include the cleaning of equipment, such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

## **Section 10 “Color Additive” Defined**

“Color additive” has the meaning set forth in the federal Food, Drug, and Cosmetic Act, Section 201(t) and 21 CFR 70.

## **Section 11 “Comminuted” Defined**

“Comminuted” means reduced in size by methods, including chopping, flaking, grinding, or mincing. The term includes:

- (1) fish or meat products that are reduced in size and restructured or reformulated, such as gefilte fish, gyros, ground beef, and sausage; and
- (2) a mixture of two (2) or more types of meat that have been reduced in size and combined, such as sausages made from two (2) or more meats.

## **Section 12 “Confirmed Disease Outbreak” Defined**

“Confirmed disease outbreak” means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.

## **Section 13 “Consumer” Defined**

“Consumer” means a person who is a member of the public who:

- (1) takes possession of food;
- (2) is not functioning in the capacity of an operator of a retail food establishment or food processing plant; and
- (3) does not offer the food for resale.

## **Section 14 “Corrosion-Resistant Material” Defined**

“Corrosion-resistant material” means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

## **Section 15 “Critical Control Point” Defined**

“Critical control point” means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

## **Section 16 “Critical Item” Defined**

- (a) “Critical item” means a provision of this rule that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazard.
- (b) “Critical item” is an item that is denoted in this rule with an asterisk (\*).

## **Section 17 “Critical Limit” Defined**

“Critical limit” means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

## **Section 18 “Department” Defined**

“Department” means the Indiana State Department of Health or its authorized representative.

## **Section 19 “Drinking Water” Defined**

- (a) “Drinking water” means water that meets the requirements of 327 IAC 8.
- (b) The term is traditionally known as potable water.
- (c) The term includes “water”, except where the term used connotes that the water is not potable, such as boiler water, mop water, rainwater, wastewater, and nondrinking water.

## **Section 20 “Dry Storage Area” Defined**

“Dry storage area” means a room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous and dry goods, such as single-service items.

## **Section 21 “Easily Cleanable” Defined**

- (a) “Easily cleanable” means a characteristic of a surface that:
  - (1) allows effective removal of soil by normal cleaning methods;
  - (2) is dependent on the material, design, construction, and installation of the surface; and
  - (3) varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use.
- (b) The term includes a tiered application of the criteria that qualify the surface as easily cleanable as specified under subsection (a) to different situations in which varying degrees of cleanability are required, such as:
  - (1) the appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or
  - (2) the need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

## **Section 22 “Easily Movable” Defined**

**“Easily movable” means the following:**

- (1) Portable;**
- (2) Mounted on casters, gliders, or rollers; or**
- (3) Provided with a mechanical means to safely tilt a unit of equipment for cleaning; and**
- (4) Having no utility connection;**
- (5) Having a utility connection that disconnects quickly; or**
- (6) Having a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.**

## **Section 23 “Employee” Defined**

**“Employee” means:**

- (1) the person-in-charge;**
- (2) the person having supervisory or management duties;**
- (3) the person on the payroll;**
- (4) a family member;**
- (5) a volunteer;**
- (6) a person performing work under contractual agreement; or**
- (7) other person working in a retail food establishment.**

## **Section 24 “EPA” Defined**

**“EPA” means the United States Environmental Protection Agency.**

## **Section 25 “Equipment” Defined**

**(a) “Equipment” means an article that is used in the operation of a retail food establishment, such as:**

- (1) a freezer;**
- (2) a grinder;**
- (3) a hood;**
- (4) an ice maker;**
- (5) a meat block;**
- (6) a mixer;**
- (7) an oven;**
- (8) a reach-in refrigerator;**
- (9) a scale;**
- (10) a sink;**
- (11) a slicer;**
- (12) a stove;**
- (13) a table;**
- (14) a temperature measuring device for ambient air;**
- (15) a vending machine; or**
- (16) a warewashing machine.**

**(b) The term does not include items used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as:**

- (1) hand trucks;**
- (2) forklifts;**
- (3) dollies;**
- (4) pallets;**

- (5) racks; and
- (6) skids.

## **Section 26 “Fish” Defined**

- (a) “Fish” means fresh or saltwater finfish, crustaceans, all mollusks, and all other forms of aquatic life, such as:
  - (1) alligator;
  - (2) frog;
  - (3) aquatic turtle;
  - (4) jellyfish;
  - (5) sea cucumber;
  - (6) sea urchin; and
  - (7) the roe of such animals;other than birds or mammals, if such animal life is intended for human consumption.
- (b) The term includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.

## **Section 27 “Food” Defined**

“Food” means the following:

- (1) All articles used for food, drink, confectionery, or condiment whether simple, mixed, or compound.
- (2) All substances or ingredients used in the preparation of the items described in subdivision (1).

## **Section 28 “Food Additive” Defined**

“Food additive” has the meaning stated in the federal Food, Drug, and Cosmetic Act, Section 201(s) and 21 CFR 170.

## **Section 29 “Food-Contact Surface” Defined**

“Food-contact surface” means a surface of equipment or a utensil:

- (1) with which food normally comes into contact; or
- (2) from which food may drain, drip, or splash into a food, or onto a surface normally in contact with food.

## **Section 30 “Food Employee” Defined**

“Food employee” means an individual working with food, food equipment or utensils, or food-contact surfaces.

## **Section 31 “Food Processing Plant” Defined**

- (a) “Food processing plant” means a commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer.
- (b) The term does not include a retail food establishment as defined under section 70 of this rule.

### **Section 32 “Foodborne Disease Outbreak” Defined**

- (a) “Foodborne disease outbreak” means an incident, except as specified under subsection (b), in which:
  - (1) there is an occurrence of two (2) or more cases of a similar illness resulting from the ingestion of a common food; and
  - (2) epidemiological analysis implicates the food as the source of the illness.
- (b) “Foodborne disease outbreak” includes a single case of illness from botulism or chemical poisoning.

### **Section 33 “Game Animal” Defined**

“Game animal” means an animal, the products of which are food, that is not:

- (1) regulated under IC 15-2.1-24;
- (2) fish as defined under section 26 of this rule; and
- (3) possessed or raised in violation of state or federal law.

### **Section 34 “General Use Pesticide” Defined**

“General use pesticide” means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175.

### **Section 35 “Grade A Standards” Defined**

“Grade A Standards” means the requirements of the United States Public Health Service, FDA Grade A Pasteurized Milk Ordinance and Grade A Condensed and Dry Milk Ordinance with which certain fluid and dry milk and milk products comply.

### **Section 36 “Group Residence” Defined**

- (a) “Group residence” means a private or public housing corporation or institutional facility that provides living quarters and meals.
- (b) The term includes a domicile for unrelated persons, such as a retirement home or long term health care facility.

### **Section 37 “HACCP Plan” Defined**

“HACCP plan” means a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

### **Section 38 “Hazard” Defined**

“Hazard” means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

## **Section 39 “Hermetically Sealed Container” Defined**

“Hermetically sealed container” means a container that is designed and intended to be secure against the entry of micro-organisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

## **Section 40 “Highly Susceptible Population” Defined**

“Highly susceptible population” means a group of persons who are more likely than other populations to experience foodborne disease because they are:

- (1) immunocompromised or adults who are sixty-five (65) years of age or older and in a hospital;  
or
- (2) preschool age children in a facility that provides custodial care, such as a child care center.

## **Section 41 “Imminent Health Hazard” Defined**

“Imminent health hazard” means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness based on:

- (1) the number of potential injuries or illnesses; and
- (2) the nature, severity, and duration of the anticipated injury or illness.

## **Section 42 “Injected” Defined**

“Injected” means manipulating a meat so that infectious or toxigenic micro-organisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat, such as by processes that may be referred to as injecting, pinning, or stitch pumping.

## **Section 43 “Juice” Defined**

“Juice” means the aqueous liquid expressed or extracted from:

- (1) one (1) or more fruits or vegetables;
- (2) purees of the edible portions of one (1) or more fruits or vegetables; or
- (3) any concentrate of such liquid or puree.

The term does not apply to standards of identity.

## **Section 44 “Kitchenware” Defined**

“Kitchenware” means food preparation and storage utensils.

## **Section 45 “Law” Defined**

“Law” means applicable state and federal statutes and regulations, and local ordinances.

## **Section 46 “Linens” Defined**

“Linens” means fabric items, such as:

- (1) cloth hampers;



- (2) cloth napkins;
- (3) table cloths;
- (4) wiping cloths; and
- (5) work garments, including cloth gloves.

#### **Section 47 “Meat” Defined**

- (a) “Meat” means the food products of animals, such as:
  - (1) pork;
  - (2) beef;
  - (3) lamb; and
  - (4) ratite;included under IC 15-2.1-24.
- (b) The term does not include fish, poultry, and game animals.

#### **Section 48 “Misbranded” Defined**

“Misbranded” has the meaning stated in IC 16-42-1 through IC 16-42-4, and 410 IAC 7-5.

#### **Section 49 “Molluscan Shellfish” Defined**

“Molluscan shellfish” means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

#### **Section 50 “Packaged” Defined**

- (a) “Packaged” means:
  - (1) bottled;
  - (2) canned;
  - (3) cartoned;
  - (4) securely bagged; or
  - (5) securely wrapped;whether packaged in a retail food establishment or a food processing plant.
- (b) The term does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.

#### **Section 51 “Person” Defined**

- “Person” means:
- (1) an association;
  - (2) a corporation;
  - (3) an individual;
  - (4) partnership; or
  - (5) other legal entity, government, or governmental subdivision or agency.

## **Section 52 “Person-in-Charge” Defined**

**“Person-in-charge” means the individual present at a retail food establishment who is responsible for the operation at the time of inspection.**

## **Section 53 “Personal Care Items” Defined**

- (a) **“Personal care items” means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance.**
- (b) **The term includes items, such as:**
  - (1) **medicines;**
  - (2) **first aid supplies;**
  - (3) **cosmetics; and**
  - (4) **toiletries.**

## **Section 54 “pH” Defined**

**“pH” means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero (0) and seven (7) indicate acidity, and values between seven (7) and fourteen (14) indicate alkalinity. The value for pure distilled water is seven (7), which is considered neutral.**

## **Section 55 “Physical Facilities” Defined**

**“Physical facilities” means the structure and interior surfaces of a retail food establishment, including floors, walls, ceilings, and accessories, such as:**

- (1) **soap and towel dispensers; and**
- (2) **attachments, such as light fixtures and heating or air conditioning system vents.**

## **Section 56 “Plumbing Fixture” Defined**

**“Plumbing fixture” means a receptacle or device that:**

- (1) **is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or**
- (2) **discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.**

## **Section 57 “Plumbing System” Defined**

**“Plumbing system” means:**

- (1) **the water supply and distribution pipes;**
- (2) **plumbing fixtures and traps;**
- (3) **soil, waste, and vent pipes;**
- (4) **sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and**
- (5) **water-treating equipment.**

## **Section 58 “Poisonous or Toxic Materials” Defined**

**“Poisonous or toxic materials” means substances that are not intended for ingestion and are included in four (4) categories, as follows:**

- (1) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;**
- (2) Pesticides except sanitizers, which include substances such as insecticides and rodenticides;**
- (3) Substances necessary for the operation and maintenance of the establishment, such as nonfood grade lubricants and personal care items that may be deleterious to health; and**
- (4) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.**

## **Section 59 “Potentially Hazardous Food” Defined**

- (a) “Potentially hazardous food” means a food that is natural or synthetic and requires temperature control because it is in a form capable of supporting the following:**
  - (1) The rapid and progressive growth of infectious or toxigenic micro-organisms;**
  - (2) The growth and toxin production of *Clostridium botulinum*; or**
  - (3) In raw shell eggs, the growth of *Salmonella enteritidis*.**
- (b) The term includes:**
  - (1) a food of animal origin that is raw or heat-treated;**
  - (2) a food of plant origin that is heat-treated or consists of raw seed sprouts;**
  - (3) cut melons; and**
  - (4) garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth as specified under subsection (a).**
- (c) The term does not include any of the following:**
  - (1) An air-cooled hard-boiled egg with shell intact.**
  - (2) A food with a  $a_w$  value of eighty-five hundredths (0.85) or less.**
  - (3) A food with a pH level of four and six-tenths (4.6) or below when measured at seventy-five (75) degrees Fahrenheit.**
  - (4) A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution.**
  - (5) A food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic micro-organisms or the growth of *Salmonella enteritidis* in eggs or *Clostridium botulinum* cannot occur, such as a food that:**
    - (A) has a  $a_w$  and a pH that are above the levels specified under subdivisions (2) and (3); and**
    - (B) may contain a preservative, other barrier to the growth of micro-organisms, or a combination of barriers that inhibit the growth of micro-organisms.**
  - (6) A food that may contain an infectious or toxigenic micro-organism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the growth of microorganisms as specified under subsection (a).**

## **Section 60 “Poultry” Defined**

**“Poultry” means:**

- (1) a domesticated bird included under IC 15-2.1-24 and is not meat; or**
- (2) a game animal.**

## **Section 61 “Ppm” Defined**

**“Ppm” means parts per million, which is equivalent to milligrams per liter.**

## **Section 62 “Premises” Defined**

**“Premises” means:**

- (1) the physical facility, its contents, and the contiguous land or property under the control of the retail food establishment; or**
- (2) the physical facility, its contents, and the land or property not described under subdivision (1) if its facilities and contents are under the control of the retail food establishment and may impact personnel, facilities, or operations, if a retail food establishment is only one (1) component of a larger operation, such as a health care facility, hotel, motel, school, recreational camp, or prison.**

## **Section 63 “Primal Cut” Defined**

**“Primal cut” means a basic major cut into which carcasses and sides of meat are separated, such as:**

- (1) a beef round;**
- (2) a pork loin;**
- (3) a lamb flank; or**
- (4) a veal breast.**

## **Section 64 “Public Water System” Defined**

**“Public water system” has the meaning set forth in 327 IAC 8.**

## **Section 65 “Ready-to-Eat Food” Defined**

**“Ready-to-eat food” means food that is in a form that is edible without washing, cooking, or additional preparation by the retail food establishment or the consumer and that is reasonably expected to be consumed in that form. The term includes the following:**

- (1) Potentially hazardous food that is unpackaged and cooked to the temperature and time required for the specific food under sections 161 through 163 of this rule.**
- (2) Raw, washed cut fruits and vegetables.**
- (3) Whole, raw fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet.**
- (4) Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.**

## **Section 66 “Reduced Oxygen Packaging” Defined**

**(a) “Reduced oxygen packaging” means the following:**

- (1) The reduction of the amount of oxygen in a package by:**
  - (A) removing oxygen;**
  - (B) displacing oxygen and replacing it with another gas or combination of gases; or**
  - (C) otherwise controlling the oxygen content to a level below that normally found in the surrounding twenty-one percent (21%) oxygen atmosphere.**
- (2) A process as specified in subdivision one (1) that involves a food for which Clostridium botulinum is identified as a microbiological hazard in the final packaged form.**

**(b) The term includes the following:**

- (1) Vacuum packaging in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package, such as sous vide.**
- (2) Modified atmosphere packaging in which the atmosphere of a package of food is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere**

- packaging includes any of the following:
- (A) Reduction in the proportion of oxygen.
  - (B) Total replacement of oxygen.
  - (C) An increase in the proportion of other gases, such as carbon dioxide or nitrogen.
- (1) Controlled atmosphere packaging in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring food, and impermeable packaging material.

#### **Section 67 “Refuse” Defined**

“Refuse” means solid waste not carried by water through the sewage system.

#### **Section 68 “Regulatory Authority” Defined**

“Regulatory authority” means the local, state, or federal enforcement body or authorized representative having jurisdiction over a retail food establishment.

#### **Section 69 “Restricted Use Pesticide” Defined**

“Restricted use pesticide” has the same meaning as when defined in law and rules of the Office of the Indiana State Chemist.

#### **Section 70 “Retail Food Establishment” Defined**

- (a) “Retail food establishment” means an operation that:
- (1) stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, such as:
    - (A) a restaurant;
    - (B) satellite or catered feeding location;
    - (C) a catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people;
    - (D) a market;
    - (E) a grocery store;
    - (F) a convenience store;
    - (G) a vending location;
    - (H) a conveyance used to transport people;
    - (I) an institution; or
    - (J) a food bank; and
  - (2) that relinquishes possession of food to a consumer directly or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.
- (b) The term includes the following:
- (1) An element of the operation, such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority.
  - (2) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location, where consumption is on or off the premises, and regardless of whether there is a charge for the food.
- (c) The term does not include the following:
- (1) An establishment that offers only prepackaged foods that are not potentially hazardous.
  - (2) A produce stand that only offers whole, uncut fresh fruits and vegetables.

- (3) A food processing plant operated under IC 16-42-5.
- (4) A private home where food is prepared by a member of an organization that is operating under IC 16-42-5-4.
- (5) An area where food that is prepared as specified in subdivision (4) is sold or offered for human consumption.
- (6) A bed and breakfast establishment as defined and regulated under IC 16-41-31 and 410 IAC 7-15.5.
- (7) A private home that receives catered or home-delivered food.
- (8) A private home which provides childcare and is not subject to IC 12-13-5.
- (9) A private home.

## **Section 71 “Safe Material” Defined**

**“Safe material” means:**

- (1) an article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food;
- (2) an additive that is used as specified in Section 409 or 706 of the federal Food, Drug, and Cosmetic Act; or
- (3) other materials that are not food or color additives and that are used in conformity with applicable regulations of the Food and Drug Administration.

## **Section 72 “Sanitization” Defined**

**“Sanitization” means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five (5) logs, which is equal to a ninety-nine and nine hundred ninety-nine thousandths percent (99.999%) reduction, of representative disease micro-organisms of public health importance.**

## **Section 73 “Sealed” Defined**

**“Sealed” means free of cracks or other openings that allow the entry or passage of moisture.**

## **Section 74 “Service Animal” Defined**

**“Service animal” means a professionally trained animal, such as a guide dog, signal dog, or other animal that provides assistance to an individual with a disability.**

## **Section 75 “Servicing Area” Defined**

**“Servicing area” means an operating base location to which a mobile retail food establishment or transportation vehicle returns at least once each day for such functions as:**

- (1) vehicle and equipment cleaning;
- (2) discharging liquid or solid wastes;
- (3) refilling water tanks and ice bins; and
- (4) boarding food.

## **Section 76 “Sewage” Defined**

**“Sewage” means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.**

## **Section 77 “Shellfish Control Authority” Defined**

**“Shellfish control authority” means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.**

## **Section 78 “Shellstock” Defined**

**“Shellstock” means raw, in-shell molluscan shellfish.**

## **Section 79 “Shucked Shellfish” Defined**

**“Shucked shellfish” means molluscan shellfish that have one (1) or both shells removed.**

## **Section 80 “Single-Service Articles” Defined**

**“Single-service articles” means tableware, carry-out utensils, and other items, such as:**

- (1) bags;**
- (2) containers;**
- (3) placemats;**
- (4) stirrers;**
- (5) straws;**
- (6) toothpicks; and**
- (7) wrappers;**

**that are designed and constructed for one (1) time, one (1) person use after which they are intended for discard.**

## **Section 81 “Single-Use Articles” Defined**

**(a) “Single-use articles” means utensils and bulk food containers designed and constructed to be used once and discarded.**

**(b) The term includes items, such as:**

- (1) wax paper;**
- (2) butcher paper;**
- (3) plastic wrap;**
- (4) formed aluminum food containers;**
- (5) jars;**
- (6) plastic tubs or buckets;**
- (7) bread wrappers;**
- (8) pickle barrels;**
- (9) ketchup bottles; and**
- (10) number ten (10) cans;**

**that do not meet the materials, durability, strength, and cleanability specifications under sections 184, 196, and 198 of this rule for multiuse utensils.**

## **Section 82 “Slacking” Defined**

“Slacking” means the process of moderating the temperature of a food, such as allowing a food to gradually increase from a temperature of minus ten (10) degrees Fahrenheit to twenty-five (25) degrees Fahrenheit in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food, such as kale.

## **Section 83 “Smooth” Defined**

“Smooth” means the following:

- (1) A food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of one hundred (100) grit number three (3) stainless steel.
- (2) A nonfood-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale.
- (3) A floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

## **Section 84 “Table-Mounted Equipment” Defined**

“Table-mounted equipment” means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

## **Section 85 “Tableware” Defined**

“Tableware” means:

- (1) eating, drinking, and serving utensils for table use, such as flatware, including:
  - (A) forks;
  - (B) knives; and
  - (C) spoons;
- (2) hollowware including:
  - (A) bowls;
  - (B) cups;
  - (C) serving dishes; and
  - (D) tumblers; and
- (3) plates.

## **Section 86 “Temperature Measuring Device” Defined**

“Temperature measuring device” means:

- (1) a thermometer;
- (2) a thermocouple;
- (3) a thermistor; or
- (4) other device;

that indicates the temperature of food, air, or water.

## **Section 87 “Temporary Food Establishment” Defined**

“Temporary food establishment” means a retail food establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration.



## **Section 88 “USDA” Defined**

**“USDA” means the United States Department of Agriculture.**

## **Section 89 “Utensil” Defined**

**“Utensil” means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as:**

- (1) kitchenware or tableware that is multiuse, single-service, or single-use;**
- (2) gloves used in contact with food;**
- (3) food temperature measuring devices; and**
- (4) probe-type price or identification tags used in contact with food.**

## **Section 90 “Vending Machine” Defined**

**“Vending machine” means a self-service device that, upon activation, such as through the insertion of a coin, paper currency, token, card, key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.**

## **Section 91 “Vending Machine Location” Defined**

**“Vending machine location” means the room, enclosure, space, or area where one (1) or more vending machines are installed and operated and includes the storage areas and areas on the premises that are used to service and maintain the vending machines.**

## **Section 92 “Warewashing” Defined**

**“Warewashing” means the cleaning and sanitizing of food-contact surfaces of equipment and utensils.**

## **Section 93 “Whole-Muscle, Intact Beef” Defined**

**“Whole-muscle, intact beef” means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.**

# MANAGEMENT AND PERSONNEL

## SUPERVISION

Sections 94-96

Item #01

### Section 94 Assignment of Supervision Responsibility \*

The retail food establishment shall have a person-in-charge present at the retail food establishment during all hours of operation.

### Section 95 Foodborne Illness Prevention Training

- (a) Each retail food establishment shall provide foodborne illness prevention training to at least one (1) employee who has a primary oversight responsibility for food safety at the establishment.
- (b) The foodborne illness prevention training shall include at least the following areas of knowledge as those are applicable to the operations conducted at the establishment:
  - (1) The relationship between the prevention of foodborne disease and the personal hygiene of a food employee.
  - (2) Responsibility of the person-in-charge for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease.
  - (3) Symptoms associated with the diseases that are transmissible through food.
  - (4) The significance of the relationship between maintaining the time and temperature of potentially hazardous food and the prevention of foodborne illness.
  - (5) Hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish.
  - (6) Required food temperatures and times for safe cooking of potentially hazardous food, including meat, poultry, eggs, and fish.
  - (7) Required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of potentially hazardous food.
  - (8) The relationship between the prevention of foodborne illness and the management and control of the following:
    - (A) Cross contamination.
    - (B) Hand contact with ready-to-eat foods.
    - (C) Handwashing.
    - (D) Maintaining the retail food establishment in a clean condition and in good repair.
  - (9) The relationship between food safety and providing equipment that is:
    - (A) sufficient in number and capacity; and
    - (B) properly designed, constructed, located, installed, operated, maintained, and cleaned.
  - (10) The correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment.
  - (11) Water source identification and measures taken to ensure that it remains protected from contamination, such as providing protection from backflow and precluding the creation of cross connections.
  - (12) Poisonous or toxic materials identification in the retail food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law.
  - (13) Critical control points in the operation from purchasing through sale or service, that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this rule.

- (14) Details of how the person-in-charge and food employees comply with the HACCP plan if a plan is required by law, this rule, or an agreement between the regulatory authority and the establishment.
- (15) Responsibilities, rights, and authorities assigned by this rule to the following:
  - (A) Food employee.
  - (B) Person-in-charge.
  - (C) Regulatory authority.
- (c) From one (1) year beyond the effective date of this rule, the retail food establishment shall maintain at least one (1) copy of this rule on the premises at all times. Immediate electronic access to this rule shall be considered acceptable in meeting this requirement.

## **Section 96 Duties of the Person-in-Charge**

When applicable, the person-in-charge of the retail food establishment shall ensure the following:

- (1) Retail food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under section 382 of this rule.
- (2) Persons unnecessary to the retail food establishment operation are not allowed in the food preparation, food storage, or warewashing areas, except that brief visits and tours may be authorized by the person-in-charge if steps are taken to ensure that:
  - (A) exposed food;
  - (B) clean equipment, utensils, and linens; and
  - (C) unwrapped single-service and single-use articles;are protected from contamination.
- (3) Employees and other persons, such as delivery and maintenance persons and pesticide applicators, entering the food preparation, food storage, and warewashing areas comply with this rule.
- (4) Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing.
- (5) Employees are visibly observing foods as they are received to determine that they are:
  - (A) from approved sources;
  - (B) delivered at the required temperatures;
  - (C) protected from contamination;
  - (D) unadulterated; and
  - (E) accurately presented;by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt.
- (6) Employees are properly cooking potentially hazardous food, being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated as specified under sections 206 and 260 of this rule.
- (7) Employees are using proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within four (4) hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling.
- (8) Consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed as specified under section 181 of this rule that the food is not cooked sufficiently to ensure its safety.
- (9) Employees are properly sanitizing cleaned multiuse equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing.
- (10) Consumers are notified that clean tableware is to be used when they return to self-service areas, such as salad bars and buffets, as specified under section 150 of this rule.
- (11) Employees are preventing cross contamination of ready-to-eat food from unwashed hands and are properly using suitable utensils, such as:
  - (A) deli tissue;

- (B) spatulas;
  - (C) tongs;
  - (D) single-use gloves; or
  - (E) dispensing equipment;
- when such items can be used.
- (12) Employees are properly trained in food safety as it relates to their assigned duties.

## EMPLOYEE HEALTH

## Sections 97-104 Item #02

### Section 97 Responsibility to Require Reporting by Food Employees and Applicants \*

The retail food establishment shall require food employee applicants to whom a conditional offer of employment is made and food employees to report to the person-in-charge, information about their health and activities as they relate to diseases that are transmissible through food. A food employee or applicant shall report the information in a manner that allows the person-in-charge to prevent the likelihood of foodborne disease transmission, including the date of onset of jaundice or of an illness specified under subdivision (3), if the food employee or applicant:

- (1) is diagnosed with an illness due to:
  - (A) *Salmonella typhi*;
  - (B) *Salmonella spp.*;
  - (C) *Shigella spp.*;
  - (D) *Escherichia coli* O157:H7; or
  - (E) Hepatitis A virus;
- (2) has a symptom caused by illness, infection, or other source that is:
  - (A) associated with an acute gastrointestinal illness, such as:
    - (i) diarrhea;
    - (ii) fever;
    - (iii) vomiting;
    - (iv) jaundice; or
    - (v) sore throat with fever;
  - (B) a lesion containing pus, such as a boil or infected wound that is open or draining and is:
    - (i) on the hands or wrists unless an impermeable cover, such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover;
    - (ii) on exposed portions of the arms unless the lesion is protected by an impermeable cover; or
    - (iii) on other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage;
- (3) had a past illness from an infectious agent specified under subdivision (1); or
- (4) meets one (1) or more of the following high-risk conditions, such as:
  - (A) is suspected of causing, or being exposed to, a confirmed disease outbreak caused by *Salmonella typhi*, *Salmonella spp.*, *Shigella spp.*, *Escherichia coli* O157:H7, or hepatitis A virus because the food employee or applicant:
    - (i) prepared food implicated in the outbreak;
    - (ii) consumed food implicated in the outbreak; or
    - (iii) consumed food at the event prepared by a person who is infected or ill with the infectious agent that caused the outbreak or who is suspected of being a shedder of the infectious agent; or
  - (B) lives in the same household as a person who is diagnosed with a disease caused by *Salmonella typhi*, *Salmonella spp.*, *Shigella spp.*, *Escherichia coli* O157:H7, or hepatitis A virus.

## **Section 98 Exclusions and Restrictions \***

**The person-in-charge shall do the following:**

- (1) Exclude a food employee from a retail food establishment if the food employee is diagnosed with an infectious agent specified under section 97(1) of this rule.**
- (2) Except as specified under subdivisions (3) or (4), restrict a food employee from working with exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles; in a retail food establishment if the food employee is:**
  - (A) suffering from a symptom specified under section 97(2) of this rule; or**
  - (B) not experiencing a symptom of acute gastroenteritis specified under section 97(2)(A) of this rule but has a stool that yields a specimen culture that is positive for *Salmonella typhi*, *Salmonella* spp., *Shigella* spp., or *Escherichia coli* O157:H7.**
- (3) If the population served is a highly susceptible population, exclude a food employee who:**
  - (A) is experiencing a symptom of acute gastrointestinal illness specified under section 97(2)(A) of this rule and meets a high-risk condition specified under section 97(4) of this rule;**
  - (B) is not experiencing a symptom of acute gastroenteritis specified under section 97(2)(A) of this rule but has a stool that yields a specimen culture that is positive for *Salmonella typhi*, *Salmonella* spp., *Shigella* spp., or *Escherichia coli* O157:H7;**
  - (C) had a past illness from *Salmonella typhi* without three (3) successive negative stool cultures; or**
  - (D) had a past illness from *Salmonella* spp., *Shigella* spp., or *Escherichia coli* O157:H7 without two (2) successive negative stool cultures.**
- (4) For a food employee who is jaundiced, if the onset of jaundice occurred within the last seven (7) calendar days, exclude the food employee from the food establishment.**

## **Section 99 Removal of Exclusions and Restrictions**

- (a) The person-in-charge may remove an exclusion specified under section 98(1) of this rule if:**
  - (1) the person-in-charge obtains approval from the regulatory authority; and**
  - (2) the person excluded as specified under section 98(1) of this rule provides to the person-in-charge written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or a physician assistant that specifies that the excluded person may work in an unrestricted capacity in a retail food establishment, including an establishment that serves a highly susceptible population, because the person is free of the infectious agent of concern as specified in section 104 of this rule.**
- (b) The person-in-charge may remove a restriction specified under:**
  - (1) section 98(2)(A) of this rule if the restricted person:**
    - (A) is free of the symptoms specified under section 98(2) of this rule and no foodborne illness occurs that may have been caused by the restricted person;**
    - (B) is suspected of causing foodborne illness but:**
      - (i) is free of the symptoms specified under section 98(2) of this rule; and**
      - (ii) provides written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or a physician assistant stating that the restricted person is free of the infectious agent that is suspected of causing the person's symptoms or causing foodborne illness as specified in section 104 of this rule; or**
    - (C) provides written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or physician assistant stating that the symptoms experienced result from a chronic noninfectious condition, such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis; or**
  - (2) section 98(2)(B) of this rule if the restricted person provides written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or physician assistant according to the criteria specified in section 104 of this rule that indicates the stools are free of *Salmonella typhi*, *Salmonella* spp., *Shigella* spp., or *Escherichia coli* O157:H7, whichever is the infectious agent of concern.**

- (c) The person-in-charge may remove an exclusion specified under section 98(3) of this rule if the excluded person provides written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or physician assistant:
  - (1) who specifies that the person is free of:
    - (A) the infectious agent of concern as specified in section 104 of this rule; or
    - (B) jaundice as specified under subsection (d) of this rule if hepatitis A virus is the infectious agent of concern; or
  - (2) if the person is excluded under section 98(3)(A), stating that the symptoms experienced result from a chronic noninfectious condition, such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis.
- (d) The person-in-charge may remove an exclusion specified under section 98(4)(A) of this rule if:
  - (1) at least seven (7) days have passed since the onset of jaundice; or
  - (2) at least fourteen (14) days have passed since the onset of symptoms if no jaundice occurred.

#### **Section 100 Responsibility of a Food Employee or an Applicant to Report to the Person-in-Charge \***

A food employee or a person who applies for a job as a food employee shall do the following:

- (1) In a manner specified under section 97 of this rule, report to the person-in-charge the information specified under section 97 of this rule.
- (2) Comply with exclusions and restrictions that are specified under section 98 of this rule.

#### **Section 101 Obtaining Information: Personal History of Illness, Medical Examination, and Specimen Analysis**

- (a) The regulatory authority shall act when it has reasonable cause to believe that a food employee:
  - (1) has possibly transmitted disease;
  - (2) may be infected with a disease in a communicable form that is transmissible through food;
  - (3) may be a carrier of infectious agents that cause a disease that is transmissible through food; or
  - (4) is affected with:
    - (A) a boil;
    - (B) an infected wound; or
    - (C) an acute respiratory infection.
- (b) The regulatory authority shall act to secure a confidential medical history of the food employee suspected of transmitting disease or making other investigations as deemed appropriate. The regulatory authority shall also require appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected food employee and other employees.

#### **Section 102 Regulatory Authority Restriction or Exclusion of Food Employee**

Based on the findings of an investigation related to a food employee who is suspected of being infected or diseased, the regulatory authority may issue an order to the suspected employee or retail food establishment instituting one (1) or more of the following control measures:

- (1) Restricting the employee's services to specific areas and tasks in a retail food establishment that present no risk of transmitting the disease.
- (2) Excluding the employee from a retail food establishment.
- (3) Closing the retail food establishment in accordance with law.

## Section 103 Restriction or Exclusion Order

Based on the findings of the investigation as specified in section 101 of this rule and to control disease transmission, the regulatory authority may issue an order of restriction or exclusion to a suspected food employee or the retail food establishment without prior warning, notice of a hearing, or a hearing if the order states the following:

- (1) The reasons for the restriction or exclusion that is ordered.
- (2) The evidence that the food employee or retail food establishment shall provide in order to demonstrate that the reasons for the restriction or exclusion are eliminated.
- (3) That the suspected food employee or the retail food establishment may request an appeal hearing by submitting a timely request as provided in law.
- (4) The name and address of the regulatory authority representative to whom a request for an appeal hearing may be made.

## Section 104 Release of a Food Employee from Restriction or Exclusion

The regulatory authority shall release a food employee from restriction or exclusion according to following conditions:

- (1) If the employee's stools are negative for *Salmonella typhi* based on testing of at least three (3) consecutive stool specimen cultures that are taken:
  - (A) not earlier than one (1) month after onset;
  - (B) at least forty-eight (48) hours after discontinuance of antibiotics; and
  - (C) at least twenty-four (24) hours apart.
- (2) If one (1) of the cultures taken as specified in subdivision (1) is positive, repeat cultures are taken at intervals of one (1) month until at least three (3) consecutive negative stool specimen cultures are obtained.
- (3) If the employee's stools are negative for *Salmonella* spp., *Shigella* spp. or *Escherichia coli* O157:H7 based on testing of two (2) consecutive stool specimen cultures that are taken:
  - (A) not earlier than forty-eight (48) hours after discontinuance of antibiotics; and
  - (B) at least twenty-four (24) hours apart.
- (4) For a food employee who was infected with hepatitis A virus if:
  - (A) at least seven (7) days have passed since the onset of jaundice;
  - (B) at least fourteen (14) days have passed since the onset of symptoms, if no jaundice occurred; or
  - (C) at least two (2) blood tests show falling liver enzymes.

## PERSONAL CLEANLINESS

Sections 105-112  
Item #03

## Section 105 Personal Cleanliness \*

Food employees shall keep their hands and exposed portions of their arms clean.

## Section 106 Hand Cleaning and Drying Procedure \*

- (a) Food employees shall clean their hands and exposed portions of their arms with a cleaning compound in a lavatory that is equipped as specified under section 303(a) of this rule by vigorously rubbing together the surfaces of their lathered hands and arms for at least twenty (20) seconds and thoroughly rinsing with clean water. Employees shall pay particular attention to the areas

- underneath the fingernails and between the fingers. A nail brush shall be used when provided.
- (b) If approved and capable of removing the types of soils encountered in the food operations involved, an automatic handwashing facility may be used by food employees to clean their hands.
  - (c) Food employees, when drying their hands, shall utilize the provisions under section 385 of this rule. The use of a common towel is prohibited.

## **Section 107 When to Wash Hands \***

Food employees shall clean their hands and exposed portions of their arms as specified under section 106 immediately before engaging in food preparation, including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and the following:

- (1) After touching bare human body parts other than clean hands and clean, exposed portions of arms.
- (2) After using the toilet room.
- (3) After caring for or handling service animals or aquatic animals as specified in section 116(b) of this rule.
- (4) After coughing, sneezing, or using a handkerchief or disposable tissue.
- (5) After drinking, other than as specified in section 113(b) of this rule, using tobacco, or eating.
- (6) After handling soiled surfaces, equipment, or utensils.
- (7) During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks.
- (8) When switching between working with raw food and working with ready-to-eat food.
- (9) Directly before touching ready-to-eat food or food-contact surfaces.
- (10) After engaging in other activities that contaminate the hands.

## **Section 108 Where to Wash Hands**

Food employees shall clean their hands in a handwashing lavatory or approved automatic handwashing facility and may not clean their hands in a sink used for food preparation, or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.

## **Section 109 Hand Sanitizers**

- (a) A hand sanitizer and a chemical hand sanitizing solution used as a hand dip shall:
  - (1) have active antimicrobial ingredients that are safe and effective for application to human skin;
  - (2) have components that are:
    - (A) regulated for the intended use as food additives as specified in 21 CFR 178;
    - (B) generally recognized as safe (GRAS) for the intended use in contact with food within the meaning of section 201(s) of the federal Food, Drug, and Cosmetic Act; or
    - (C) exempted from the requirement of being listed in the federal food additive regulations as specified in 21 CFR 170.39; and
  - (3) be applied only to hands that are cleaned as specified under section 106 of this rule.
- (b) If a hand sanitizer or a chemical hand sanitizing solution used as a hand dip does not meet the criteria specified under subsection (a)(2), use shall be:
  - (1) followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves; or
  - (2) limited to situations that involve no direct contact with food by the bare hands.
- (c) A chemical hand sanitizing solution used as a hand dip shall be maintained clean and at a strength equivalent to at least one hundred (100) ppm chlorine.



## **Section 110 Fingernail Maintenance**

- (a) Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.
- (b) Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails while working with exposed food.

## **Section 111 Jewelry Prohibition**

While preparing food, employees may not wear jewelry on their arms and hands. This section does not apply to a plain ring, such as a wedding band.

## **Section 112 Clean Condition of Outer Clothing**

Food employees shall wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

# **HYGIENIC PRACTICES**

**Sections 113-116  
Item #04**

## **Section 113 Eating, Drinking, or Using Tobacco \***

- (a) Except as specified in subsection (b), an employee shall eat, drink, or use any form of tobacco only in designated areas where the contamination of:
  - (1) exposed food;
  - (2) clean equipment, utensils, and linens;
  - (3) unwrapped single-service and single-use articles; or
  - (4) other items needing protection;cannot result.
- (b) A food employee may drink from a closed beverage container if the container is handled in a manner that prevents contamination of the following:
  - (1) The employee's hands.
  - (2) The container.
  - (3) Exposed food.
  - (4) Clean equipment, utensils, and linens.
  - (5) Unwrapped single-service and single-use articles.

## **Section 114 Discharges from the Eyes, Nose, and Mouth \***

Food employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with the following:

- (1) Exposed food.
- (2) Clean equipment, utensils, and linens.
- (3) Unwrapped single-service or single-use articles.

## **Section 115 Effectiveness of Hair Restraint**

- (a) Except as provided in subsection (b), food employees shall wear hair restraints, such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting:**
  - (1) exposed food;**
  - (2) clean equipment, utensils, and linens; and**
  - (3) unwrapped single-service and single-use articles.**
- (b) This section does not apply to food employees, such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating:**
  - (1) exposed food;**
  - (2) clean equipment, utensils, and linens; and**
  - (3) unwrapped single-service and single-use articles.**

## **Section 116 Animal Handling Prohibited \***

- (a) Except as specified in subsection (b), food employees may not care for or handle animals that may be present, such as patrol dogs, service animals, or pets that are allowed as specified in section 406(b)(2) through 406(b)(5) of this rule.**
- (b) Food employees with service animals may handle or care for their service animals and food employees may handle or care for fish in aquariums or molluscan shellfish or crustacea in display tanks if they wash their hands as specified under sections 106 and 107(3) of this rule.**

# FOOD

## CHARACTERISTICS

Section 117  
Item #05

### Section 117 Food Condition \*

- (a) Food shall be safe, unadulterated, and, as specified under section 179 of this rule, honestly presented.
- (b) Food shall not be misbranded. <sup>S</sup>

## SOURCES / SPECIFICATIONS / ORIGINAL CONTAINERS / RECORDS

Sections 118-135  
Item #06

### Section 118 Food Sources \*

- (a) Food shall be obtained from sources that comply with law.
- (b) Food prepared in a private home may not be used or offered for human consumption in a retail food establishment.
- (c) Packaged food shall be labeled as specified:
  - (1) in law, including IC 16-42-1, IC 16-41-2, 21 CFR 101, 9 CFR 317, 9 CFR 381 Subpart N; and
  - (2) under sections 131 and 132 of this rule. <sup>S</sup>
- (d) Fish, other than molluscan shellfish, that are intended for consumption in their raw form and allowed as specified in section 161(d) of this rule may be offered for sale or service if they are:
  - (1) obtained from a supplier that freezes the fish as specified under section 164 of this rule; or
  - (2) frozen on the premises as specified under section 164 of this rule; and records are retained as specified under section 165 of this rule.
- (e) Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in section 161(c) of this rule shall be:
  - (1) obtained from a food processing plant that packages the steaks and labels them to indicate that they meet the definition of whole-muscle, intact beef; or
  - (2) if individually cut in a retail food establishment:
    - (A) cut from whole-muscle, intact beef that is labeled by a food processing plant to indicate that the beef meets the definition of whole-muscle, intact beef;
    - (B) prepared so they remain intact; and
    - (C) if packaged for undercooking in a retail food establishment, labeled to indicate that they meet the definition of whole-muscle, intact beef.
- (f) Meat and poultry that is not a ready-to-eat food and is in a packaged form when it is offered for sale or otherwise offered for consumption, shall be labeled to include safe handling instructions as specified in law, including 9 CFR 317.2(l) and 9 CFR 381.125(b).

### Section 119 Food in a Hermetically Sealed Container \*

Food in a hermetically sealed container shall be obtained:

- (1) from a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant; or

- (2) from a retail food establishment which meets all applicable state or federal requirements for food processing.

#### **Section 120 Fluid Milk and Milk Products \***

Fluid milk and milk products shall be obtained from sources that comply with Grade A Standards as specified in law.

#### **Section 121 Fish \***

Fish that are received for sale or service shall be:

- (1) commercially and legally produced, caught, or harvested; or
- (2) approved by the department for sale or service.

#### **Section 122 Molluscan Shellfish \***

- (a) Molluscan shellfish shall be obtained from sources according to law and the requirements specified in the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.
- (b) Molluscan shellfish received in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List.
- (c) Molluscan shellfish that are recreationally caught may not be received for sale or service.

#### **Section 123 Wild Mushrooms \***

- (a) Except as specified in subsection (b), mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by a mushroom identification expert.
- (b) This section does not apply to the following:
  - (1) Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the food regulatory agency that has jurisdiction over the operation.
  - (2) Wild mushroom species if they are in packaged form and are the product of a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

#### **Section 124 Game Animals \***

If game animals are received for sale or service they shall be slaughtered and processed under a state or federal inspection program with requirements that are at least equal to IC 15-2.1-24.

#### **Section 125 Specifications for Receiving Temperatures of Food \***

- (a) Except as specified in subsection (b), refrigerated, potentially hazardous food shall be at a temperature of forty-one (41) degrees Fahrenheit or below when received.
- (b) If a temperature other than forty-one (41) degrees Fahrenheit for a potentially hazardous food is specified in law governing its distribution, such as laws governing milk, molluscan shellfish, and shell eggs, the food may be received at the specified temperature.
- (c) Potentially hazardous food that is cooked to a temperature and for a time specified under sections 161 through 163 of this rule and received hot shall be at a temperature of one hundred forty (140) degrees Fahrenheit or above.

- (d) A food that is labeled frozen and shipped frozen by a food processing plant shall be received frozen.
- (e) Upon receipt, potentially hazardous food shall be free of evidence of previous temperature abuse.

#### **Section 126 Food Additives \***

Food may not contain unapproved food additives or additives that exceed amounts specified in 21 CFR 170 through 21 CFR 180 relating to food additives, generally recognized as safe or prior sanctioned substances that exceed amounts specified in 21 CFR 181 through 21 CFR 186, substances that exceed amounts specified in 9 CFR 318.7, or pesticide residues that exceed provisions specified in 40 CFR 185.

#### **Section 127 Shell Eggs \***

Shell eggs shall be received clean and sound and may not exceed the restricted egg tolerances for United States Consumer Grade B as specified in 7 CFR 56, 9 CFR 590, United States Standards, Grades, and Weight classes for Shell Eggs (AMS 56.200 *et seq.*), and 370 IAC.

#### **Section 128 Eggs and Milk Products; Pasteurized \***

- (a) Liquid, frozen, and dry eggs and egg products shall be pasteurized.
- (b) Fluid and dry milk and milk products complying with Grade A Standards as specified in law shall be obtained pasteurized.
- (c) Frozen milk products, such as ice cream, shall be pasteurized as specified in 21 CFR 135.
- (d) Cheese shall be obtained pasteurized unless alternative procedures to pasteurization are specified in 21 CFR 133.

#### **Section 129 Packaging Integrity \***

Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

#### **Section 130 Ice \***

Ice for use as a food or a cooling medium shall be made from drinking water.

#### **Section 131 Shucked Shellfish; Packaging and Identification**

Raw shucked shellfish shall be obtained in nonreturnable packages that bear a legible label that identifies the:

- (1) name, address, and certification number of the shucker-packer or repacker of the molluscan shellfish; and
- (2) the “sell by” date for packages with a capacity of less than one-half (1/2) gallon or the date shucked for packages with a capacity of one-half (1/2) gallon or more.

#### **Section 132 Shellstock Identification \***

- (a) Shellstock shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships, or reships the shellstock, as

specified in the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, and that list the following:

- (1) Except as specified under subsection (b), on the harvester's tag or label, the following information in the following order:
  - (A) The harvester's identification number that is assigned by the shellfish control authority.
  - (B) The date of harvesting.
  - (C) The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the shellfish control authority and including the abbreviation of the name of the state or country in which the shellfish are harvested.
  - (D) The type and quantity of shellfish.
  - (E) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty or retagged and thereafter kept on file for ninety (90) days."
- (2) Except as specified in subsection (c), on each dealer's tag or label, the following information in the following order:
  - (A) The dealer's name and address, and the certification number assigned by the shellfish control authority.
  - (B) The original shipper's certification number, including the abbreviation of the name of the state or country in which the shellfish are harvested.
  - (C) The same information as specified for a harvester's tag under subdivision (1)(B) through (1)(D).
  - (D) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty and thereafter kept on file for ninety (90) days."
- (b) If a place is provided on the harvester's tag or label for a dealer's name, address, and certification number, the dealer's information shall be listed first.
- (c) If the harvester's tag or label is designed to accommodate each dealer's identification as specified under subsections (a)(2)(A) and (a)(2)(B), individual dealer tags or labels need not be provided.

### Section 133 Shellstock Condition

When received by a retail food establishment, shellstock shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or shellstock with badly broken shells shall be discarded.

### Section 134 Molluscan Shellfish Original Container

- (a) Except as specified in subsections (b) and (c), molluscan shellfish shall not be removed from the container in which they are received other than immediately before sale or preparation for service.
- (b) Shellstock may be removed from the container in which they are received, displayed on drained ice, or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer if:
  - (1) the source of the shellstock on display is identified as specified under section 132 of this rule and recorded as specified under section 135 of this rule; and
  - (2) the shellstock are protected from contamination.
- (c) Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request if:
  - (1) the labeling information for the shellfish on display as specified under section 131 of this rule is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and
  - (2) the shellfish are protected from contamination.

## **Section 135 Shellstock; Maintaining Identification \***

- (a) Except as specified under subsection (b)(2), shellstock tags shall remain attached to the container in which the shellstock are received until the container is empty.
- (b) The identity of the source of shellstock that are sold or served shall be maintained by retaining shellstock tags or labels for ninety (90) calendar days from the date the container is emptied by:
  - (1) using a record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the shellstock are sold or served; and
  - (2) using only one (1) tagged or labeled container at a time if shellstock are removed from their tagged or labeled container.

<b>PROTECTION FROM CONTAMINATION AFTER RECEIVING</b>	<b>Sections 136-160 Item #07</b>
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## **Section 136 Preventing Contamination from Hands \***

- (a) Food employees shall wash their hands as specified under section 106 of this rule.
- (b) Food employees shall not contact exposed, ready-to-eat food with hands that have not been washed as specified in sections 107 and 108 of this rule, and shall use suitable utensils, such as:
  - (1) deli tissue;
  - (2) spatulas;
  - (3) tongs;
  - (4) single-use gloves; or
  - (5) dispensing equipment;when utensils can be used.
- (c) Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form. <sup>S</sup>

## **Section 137 Preventing Contamination When Tasting \***

A food employee may not reuse a utensil once it has been used to taste food that is to be sold or served.

## **Section 138 Packaged and Unpackaged Food; Separation, Packaging, and Segregation \***

- (a) Food shall be protected from cross contamination by the following:
  - (1) Separating raw animal foods during storage, preparation, holding, and display from:
    - (A) raw ready-to-eat food, including other raw animal food, such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food, such as vegetables; and
    - (B) cooked ready-to-eat food.
  - (2) Except when combined as ingredients, separating types of raw animal foods from each other, such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:
    - (A) using separate equipment for each type, or arranging each type of food in equipment so that cross contamination of one (1) type with another is prevented; and
    - (B) preparing each type of food at different times or in separate areas.
  - (3) Cleaning equipment and utensils as specified under section 265(a) of this rule and sanitizing as specified under section 276 of this rule.
  - (4) Except as specified in subsection (b), storing the food in packages, covered containers, or wrappings. <sup>S</sup>
  - (5) Cleaning hermetically sealed containers of food of visible soil before opening.

- (6) Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened.
- (7) Storing damaged, spoiled, or recalled food being held in the retail food establishment as specified under section 394 of this rule.
- (8) Separating fruits and vegetables, before they are washed, as specified under section 142 of this rule from ready-to-eat food.
- (b) Subsection (a)(4) does not apply to:
  - (1) whole, uncut raw fruits and vegetables and nuts in the shell that require peeling or hulling before consumption;
  - (2) primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks;
  - (3) whole, uncut, processed meats, such as country hams and smoked or cured sausages that are placed on clean, sanitized racks;
  - (4) food being cooled as specified under section 172(b)(2) of this rule; or
  - (5) shellstock.

### **Section 139 Food Storage Containers, Identified with Common Name of Food**

Working containers holding food or food ingredients that are removed from their original packages for use in the retail food establishment, such as:

- (1) cooking oils;
- (2) flour;
- (3) herbs;
- (4) potato flakes;
- (5) salt;
- (6) spices; and
- (7) sugar;

shall be identified with the common name of the food, except that containers holding food that can be readily and unmistakably recognized, such as dry pasta, need not be identified.

### **Section 140 Pasteurized Eggs; Substitute for Raw Shell Eggs for Certain Recipes \***

Pasteurized eggs or egg products shall be substituted for raw shell eggs in the preparation of foods, such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, and egg-fortified beverages that are not:

- (1) cooked as specified under section 161(a)(1) or 161(a)(2) of this rule; or
- (2) included in section 161(d) of this rule.

### **Section 141 Protection from Unapproved Food or Color Additives \***

- (a) Food shall be protected from contamination that may result from the addition of:
  - (1) unsafe or unapproved food or color additives; and
  - (2) unsafe or unapproved levels of approved food and color additives.
- (b) A food employee may not:
  - (1) apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B<sub>1</sub>; or
  - (2) serve or sell food specified under subdivision (1) that is treated with sulfiting agents before receipt by the retail food establishment, except that grapes need not meet this subdivision.



## **Section 142 Washing Fruits and Vegetables**

- (a) Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form, except:
  - (1) as specified in subsection (b); and
  - (2) that whole, raw fruits and vegetables that are intended for washing by the consumer before consumption need not be washed before they are sold.
- (b) Fruits and vegetables may be washed by using chemicals as specified under section 414 of this rule.

## **Section 143 Ice Used as Exterior Coolant; Prohibited as Ingredient**

After use as a medium for cooling the exterior surfaces of:

- (1) food, such as melons or fish;
- (2) packaged foods, such as canned beverages; or
- (3) cooling coils and tubes of equipment;

ice may not be used as food.

## **Section 144 Storage or Display of Food in Contact with Water or Ice**

- (a) Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.
- (b) Except as specified in subsections (c) and (d), unpackaged food may not be stored in direct contact with undrained ice.
- (c) Whole, raw fruits or vegetables; cut, raw vegetables, such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water.
- (d) Raw chicken and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.

## **Section 145 Food Contact with Equipment and Utensils \***

Food shall only contact surfaces of equipment and utensils that are cleaned as specified under sections 264 through 274 of this rule and sanitized as specified under sections 275 and 276 of this rule.

## **Section 146 In-Use Utensils; Between-Use Storage**

During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored:

- (1) except as specified under subdivision (2), in the food with their handles above the top of the food and the container;
- (2) in food that is not potentially hazardous with their handles above the top of the food within containers or equipment that can be closed, such as bins of ice, sugar, flour, or cinnamon;
- (3) on a clean portion of the food preparation table or cooking equipment if both the in-use utensil and food-contact surfaces of food preparation tables or cooking equipment are cleaned and sanitized at a frequency specified under sections 265 and 275 of this rule;
- (4) in running water of sufficient velocity to flush particulates to the drain, if used with moist food, such as ice cream or mashed potatoes;
- (5) in a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not potentially hazardous; or
- (6) in water maintained clean and at a temperature of at least one hundred forty (140) degrees Fahrenheit.

## **Section 147 Linens and Napkins; Use Limitation**

Linens and napkins may not be used in contact with food unless they are used temporarily to line a container for the service of foods and the linens and napkins are replaced each time the container is refilled for a new consumer.

## **Section 148 Wiping Cloths; Used for One Purpose**

- (a) Cloths that are in use for wiping food spills shall be used for no other purpose.
- (b) Cloths used for wiping food spills shall be:
  - (1) dry and used for wiping food spills from tableware and carry-out containers; or
  - (2) wet and cleaned as specified under section 278(d) of this rule, stored in a chemical sanitizer as specified under section 257 of this rule, and used for wiping spills from food-contact and nonfood-contact surfaces of equipment.
- (c) Wet or dry cloths that are used with raw animal foods shall be kept separate from cloths used for other purposes, and wet cloths used with raw animal foods shall be kept in a separate sanitizing solution.
- (d) Wet wiping cloths used with a freshly made sanitizing solution and dry wiping cloths shall be free of food debris and visible soil.

## **Section 149 Gloves; Use Limitation**

- (a) If used, single-use gloves shall be used for only one (1) task, such as working with ready-to-eat food or with raw animal food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.
- (b) Except as specified in subsection (c), slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used in direct contact only with food that is subsequently cooked as specified under sections 161 through 163 of this rule, such as frozen food or a primal cut of meat.
- (c) Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves:
  - (1) have a smooth, durable, and nonabsorbent outer surface; or
  - (2) are covered with a smooth, durable, nonabsorbent glove, or a single-use glove.
- (d) Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked as required under sections 161 through 163 of this rule, such as frozen food or a primal cut of meat.

## **Section 150 Using Clean Tableware for Second Portions and Refills**

- (a) Except for refilling a consumer's drinking cup or container without contact between the pouring utensil and the lip-contact area of the drinking cup or container, food employees may not use tableware, including single-service articles, soiled by the consumer to provide second portions or refills.
- (b) Except as specified in subsection (c), self-service consumers may not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment.
- (c) Drinking cups and containers may be reused by self-service consumers if refilling is a contamination free process as specified under section 211(1), 211(2), and 211(4) of this rule.

## **Section 151 Refilling Returnables**

- (a) A take-home food container returned to a retail food establishment may not be refilled at a retail food establishment with a potentially hazardous food.

- (b) Except as specified in subsection (c), a take-home food container refilled with food that is not potentially hazardous shall be cleaned as specified under section 274 of this rule.
- (c) Personal take-out beverage containers, such as thermally insulated bottles, nonspill coffee cups, and promotional beverage glasses, may be refilled by employees or the consumer if refilling is a contamination-free process as specified under section 211(1), 211(2), and 211(4) of this rule.

## **Section 152 Food Storage**

- (a) Except as specified in subsections (b) and (c), food shall be protected from contamination by storing the food:
  - (1) in a clean, dry location;
  - (2) where it is not exposed to splash, dust, or other contamination; and
  - (3) at least six (6) inches above the floor.
- (b) Food in packages and working containers may be stored less than six (6) inches above the floor on case lot handling equipment.
- (c) Pressurized beverage containers, cased food in waterproof containers, such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

## **Section 153 Food Storage; Prohibited Areas**

Food may not be stored:

- (1) in locker rooms;
- (2) in toilet rooms;
- (3) in dressing rooms;
- (4) in garbage rooms;
- (5) in mechanical rooms, when contamination is likely to occur;
- (6) under sewer lines that are not shielded to intercept potential drips;
- (7) under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
- (8) under open stairwells; or
- (9) under other sources of contamination.

## **Section 154 Vended Potentially Hazardous Food; Original Container**

Potentially hazardous food dispensed through a vending machine shall be in the package in which it was placed at the retail food establishment or food processing plant at which it was prepared.

## **Section 155 Food Preparation**

During preparation, unpackaged food shall be protected from environmental sources of contamination.

## **Section 156 Food Display**

Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, food on display shall be protected from contamination by the use of:

- (1) packaging;
- (2) counter, service line, or salad bar food guards;
- (3) display cases; or
- (4) other effective means.

## **Section 157 Condiments; Protection**

- (a) Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected food displays provided with the proper utensils, original containers designed for dispensing, or individual packages or portions.
- (b) Condiments at a vending machine location shall be in individual packages or provided in dispensers that are filled at an approved location, such as the retail food establishment that provides food to the vending machine location, a food processing plant that is regulated by the agency that has jurisdiction over the operation, or a properly equipped facility that is located on the site of the vending machine location.

## **Section 158 Consumer Self-Service Operations \***

- (a) Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish, may not be offered for consumer self-service. This section does not apply to:
  - (1) consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods, such as sushi or raw shellfish; or
  - (2) ready-to-cook individual portions for immediate cooking and consumption on the premises.
- (b) Consumer self-service operations for ready-to-eat foods shall be provided with suitable utensils or effective dispensing methods that protect the food from contamination. <sup>NC</sup>
- (c) Consumer self-service operations, such as buffets and salad bars shall be monitored by food employees trained in safe operating procedures. <sup>NC</sup>

## **Section 159 Returned Food; Reservice or Sale \***

- (a) Except as specified in subsection (b), after being served or sold and in the possession of a consumer, food that is unused or returned by the consumer may not be offered as food for human consumption.
- (b) Except as specified under section 183(d) of this rule, a container of food that is not potentially hazardous may be transferred from one (1) consumer to another if:
  - (1) the food is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or
  - (2) the food, such as crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition.

## **Section 160 Miscellaneous Sources of Contamination <sup>S</sup>**

Food shall be protected from contamination that may result from a factor or source not specified under sections 136 through 159 of this rule.

<b>DESTRUCTION OF ORGANISMS OF PUBLIC HEALTH CONCERN</b>	<b>Sections 161-167 Item #08</b>
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## **Section 161 Cooking of Raw Animal Foods \***

- (a) Except as specified under subsections (b), (c), and (d), raw animal foods, such as eggs, fish, meat, poultry, and foods containing these raw animal foods, shall be cooked to heat all parts of the food to a temperature and for a time that complies with one (1) of the following methods based on the food that is being cooked:

- (1) One hundred forty-five (145) degrees Fahrenheit or above for fifteen (15) seconds for the following:
    - (A) Raw shell eggs that are broken and prepared in response to a consumer's order and for immediate service.
    - (B) Except as specified under subdivisions (2) and (3), and subsection (b), fish and meat, including pork.
  - (2) One hundred fifty-five (155) degrees Fahrenheit for fifteen (15) seconds or the temperature specified in the chart in subsection (b) that corresponds to the holding time for:
    - (A) injected meats;
    - (B) raw eggs that are not prepared as specified under subdivision (1); and
    - (C) comminuted meat or fish.
  - (3) One hundred sixty-five (165) degrees Fahrenheit or above for fifteen (15) seconds for poultry, game animals, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, or stuffing containing fish, meat, or poultry.
- (b) Whole beef roasts, corned beef roasts, pork roasts, and cured pork roasts, such as ham, shall be cooked as follows:
- (1) In an oven that is preheated to the temperature specified for the roast's weight in the chart in subdivision (3) and that is held at that temperature.
  - (2) As specified in the chart in subdivision (3), to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature.
  - (3) The minimum cooking temperatures and holding times at a specified temperature are as follows:

MINIMUM COOKING TEMPERATURES AND HOLDING TIMES AT SPECIFIED TEMPERATURE			
165°F for 15 seconds	Poultry and foods containing poultry; <u>stuffed</u> meat, fish, or pasta; and <u>stuffing</u> containing fish or meat; game animals and foods containing game animals.		
165°F for 2 minutes	Microwave cooking for raw animal foods: covered, rotated, or stirred throughout or midway through the cooking process, and held for 2 minutes covered.		
158°F for 1 second 155°F for 15 seconds 150°F for 1 minute or 145°F for 3 minutes	Injected meats; <u>comminuted</u> raw meat or fish; and raw shell eggs that are not prepared for immediate service (pooled or hot held).		
145°F for 15 seconds	Raw shell eggs prepared for immediate service; meat and fish not otherwise specified in this chart.		
145°F for 3 minutes 144°F for 5 minutes 142°F for 8 minutes 140°F for 12 minutes 136°F for 32 minutes 134°F for 47 minutes 132°F for 77 minutes or 130°F for 121 minutes	Roasts of beef, corned beef, pork, & cured pork: Note – holding time may include post cooking heat rise.		
	Oven Type	Roast Weight Less than 10 lbs.	Roast Weight More than 10 lbs.
	Still Dry	Oven temperature ≥ 350°F	Oven temperature ≥ 250°F
	Convection	Oven temperature ≥ 325°F	Oven temperature ≥ 250°F
140°F	High Humidity <sup>(1)</sup>	Oven temperature ≤ 250°F	Oven temperature ≤ 250°F
	Potentially hazardous food cooked for hot holding: fruits, vegetables, and potentially hazardous foods not otherwise listed that will be hot held.		

(1) Relative humidity greater than ninety percent (90%) for at least 1 hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides one hundred percent (100%) humidity.

- (c) A raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form if:
  - (1) the food establishment serves a population that is not a highly susceptible population;
  - (2) the steak is labeled to indicate that it meets the definition of whole-muscle, intact beef as specified under section 118(e) of this rule; and
  - (3) the steak is cooked on both the top and bottom to a surface temperature of one hundred forty-five (145) degrees Fahrenheit or above and a cooked color change is achieved on all external surfaces.
- (d) A raw animal food, such as raw egg, raw fish, raw-marinated fish, raw molluscan shellfish, or steak tartare or a partially cooked food, such as lightly cooked fish, soft cooked eggs, or rare meat other than whole-muscle, intact beef steaks as specified in subsection (c) may be served or offered for sale in a ready-to-eat form if the retail food establishment serves a population that is not a highly

susceptible population and the consumer is informed as specified under section 181 of this rule that to ensure its safety, the food should be cooked as specified under subsection (a) or (b).

## **Section 162 Microwave Cooking \***

Raw animal foods cooked in a microwave oven shall be:

- (1) rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
- (2) covered to retain surface moisture;
- (3) heated to a temperature of at least one hundred sixty-five (165) degrees Fahrenheit in all parts of the food; and
- (4) allowed to stand covered for two (2) minutes after cooking to obtain temperature equilibrium.

## **Section 163 Potentially Hazardous Food; Cooking for Hot Holding**

Fruits, vegetables, and any potentially hazardous foods not covered under sections 161 and 162 of this rule that are cooked for hot holding shall be cooked to an internal temperature of one hundred forty (140) degrees Fahrenheit.

## **Section 164 Parasite Destruction \***

- (a) Except as specified in subsection (b), before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish other than molluscan shellfish shall be frozen throughout to a temperature of:
  - (1) minus four (4) degrees Fahrenheit or below for one hundred sixty-eight (168) hours (seven (7) days) in a freezer; or
  - (2) minus thirty-one (31) degrees Fahrenheit or below for fifteen (15) hours in a blast freezer.
- (b) If the fish are tuna of the species:
  - (1) *Thunnus alalunga*;
  - (2) *Thunnus albacares* (Yellowfin tuna);
  - (3) *Thunnus atlanticus*;
  - (4) *Thunnus maccoyii* (Bluefin tuna, Southern);
  - (5) *Thunnus obesus* (Bigeye tuna); or
  - (6) *Thunnus thynnus* (Bluefin tuna, Northern);the fish may be served or sold in a raw, raw-marinated, or partially cooked ready-to-eat form without freezing as specified under subsection (a).

## **Section 165 Records; Creation and Retention**

- (a) Except as specified in section 164(b) of this rule and subsection (b), if raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, the person-in-charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records at the retail food establishment for ninety (90) calendar days beyond the time of service or sale of the fish.
- (b) If the fish are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time specified under section 164 of this rule may substitute for the records specified under subsection (a).

## **Section 166 Preparation for Immediate Service**

Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus, may be served at any temperature.

## **Section 167 Reheating for Hot Holding \***

- (a) Except as specified under subsections (b), (c), and (e), potentially hazardous food that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least one hundred sixty-five (165) degrees Fahrenheit for fifteen (15) seconds.
- (b) Except as specified under subsection (c), potentially hazardous food reheated in a microwave oven for hot holding shall be reheated so that all parts of the food reach a temperature of at least one hundred sixty-five (165) degrees Fahrenheit and the food is rotated or stirred, covered, and allowed to stand covered for two (2) minutes after reheating.
- (c) Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant, shall be heated to a temperature of at least one hundred forty (140) degrees Fahrenheit for hot holding.
- (d) Reheating for hot holding shall be done rapidly and the time the food is between the temperature specified under section 173(2) or 173(3) of this rule and one hundred sixty-five (165) degrees Fahrenheit may not exceed two (2) hours.
- (e) Remaining unsliced portions of roasts of beef that are cooked as specified under section 161(b) of this rule may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under section 161(b) of this rule.

<b>LIMITATION OF GROWTH OF ORGANISMS OF PUBLIC HEALTH CONCERN</b>
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<b>Sections 168-177 Item #09</b>
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## **Section 168 Time and Temperature Control of Frozen Food**

Stored frozen foods shall be maintained frozen and should be stored at zero (0) degrees Fahrenheit.

## **Section 169 Potentially Hazardous Food; Slacking**

Frozen potentially hazardous food that is slacked to moderate the temperature shall be held:

- (1) under refrigeration that maintains the food temperature at forty-one (41) degrees Fahrenheit or less, or at forty-five (45) degrees Fahrenheit or less as specified under section 173(3) of this rule; or
- (2) at any temperature if the food remains frozen.

## **Section 170 Thawing of Food**

Except as specified in subdivision (4), potentially hazardous food shall be thawed:

- (1) under refrigeration that maintains the food temperature at forty-one (41) degrees Fahrenheit or less, or at forty-five (45) degrees Fahrenheit or less as specified under section 173(3) of this rule;
- (2) completely submerged under running water:
  - (A) at a water temperature of seventy (70) degrees Fahrenheit or below;
  - (B) with sufficient water velocity to agitate and float off loose particles in an overflow;

- (C) for a period of time that does not allow thawed portions of ready-to-eat food to rise above forty-one (41) degrees Fahrenheit, or forty-five (45) degrees Fahrenheit as specified under section 173(3) of this rule; or
- (D) for a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified under sections 161(a) or 161(b) of this rule to be above forty-one (41) degrees Fahrenheit, or forty-five (45) degrees Fahrenheit as specified under section 173(3) of this rule, for more than four (4) hours including:
  - (i) the time the food is exposed to the running water and the time needed for preparation for cooking; or
  - (ii) the time it takes under refrigeration to lower the food temperature to forty-one (41) degrees Fahrenheit, or forty-five (45) degrees Fahrenheit as specified under section 173(3) of this rule;
- (3) as part of a cooking process if the food that is frozen is:
  - (A) cooked as specified under section 161(a) or 161(b), or 162 of this rule; or
  - (B) thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process; or
- (4) using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.

## **Section 171 Potentially Hazardous Food; Cooling \***

- (a) Cooked potentially hazardous food shall be cooled:
  - (1) within two (2) hours, from one hundred forty (140) degrees Fahrenheit to seventy (70) degrees Fahrenheit; and
  - (2) within four (4) hours, from seventy (70) degrees Fahrenheit to forty-one (41) degrees Fahrenheit or less, or to forty-five (45) degrees Fahrenheit as specified under section 173(3) of this rule.
- (b) Potentially hazardous food shall be cooled within four (4) hours to forty-one (41) degrees Fahrenheit or less, or to forty-five (45) degrees Fahrenheit as specified under section 173(3) of this rule if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.
- (c) Except as specified in subsection (d), a potentially hazardous food received in compliance with laws allowing a temperature above forty-one (41) degrees Fahrenheit during shipment from the supplier as specified in section 125(b) of this rule, shall be cooled within four (4) hours to forty-one (41) degrees Fahrenheit or less, or forty-five (45) degrees Fahrenheit or less as specified under section 173(3) of this rule.
- (d) Shell eggs need not comply with subsection (c) if the eggs are placed immediately, upon their receipt, in refrigerated equipment that is capable of maintaining food at forty-one (41) degrees Fahrenheit or less, or forty-five (45) degrees Fahrenheit or less as specified under section 173(3) of this rule.

## **Section 172 Cooling Methods**

- (a) Cooling shall be accomplished in accordance with the time and temperature criteria specified under section 171 of this rule by using one (1) or more of the following methods based on the type of food being cooled:
  - (1) Placing the food in shallow pans.
  - (2) Separating the food into smaller or thinner portions.
  - (3) Using rapid cooling equipment.
  - (4) Stirring the food in a container placed in an ice water bath.
  - (5) Using containers that facilitate heat transfer.
  - (6) Adding ice as an ingredient.
  - (7) Other effective methods.
- (b) When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be:



- (1) arranged in the equipment to provide maximum heat transfer through the container walls; and
- (2) loosely covered, or uncovered if protected from overhead contamination as specified under section 152(a)(2) of this rule, during the cooling period to facilitate heat transfer from the surface of the food.

### **Section 173 Potentially Hazardous Food; Hot and Cold Holding \***

Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 175 of this rule, potentially hazardous food shall be maintained as follows:

- (1) At one hundred forty (140) degrees Fahrenheit or above, except that roasts cooked to a temperature and for a time specified under section 161(b) of this rule or reheated as specified in section 167(e) of this rule may be held at a temperature of one hundred thirty (130) degrees Fahrenheit.
- (2) At forty-one (41) degrees Fahrenheit or less, except as specified under subdivision (3) and section 219 of this rule.
- (3) At forty-five (45) degrees Fahrenheit or between forty-five (45) degrees Fahrenheit and forty-one (41) degrees Fahrenheit in existing refrigeration equipment that is not capable of maintaining the food at forty-one (41) degrees Fahrenheit or less if:
  - (A) the equipment is in place and in use in the retail food establishment; and
  - (B) not more than ten (10) years beyond the effective date of this rule, the equipment is upgraded or replaced to maintain food at a temperature of forty-one (41) degrees Fahrenheit or less.

### **Section 174 Ready-to-Eat, Potentially Hazardous Food; Date Marking \***

- (a) Except as in subsection (c), ready-to-eat, potentially hazardous food prepared and held refrigerated or frozen more than twenty-four (24) hours in a retail food establishment shall be clearly marked to indicate the date of consumption which reflects:
  - (1) four (4) days of cumulative refrigeration storage time when held at forty-five (45) degrees Fahrenheit; or
  - (2) seven (7) days of cumulative refrigeration storage time when held at forty-one (41) degrees Fahrenheit.
- (b) Food mentioned in subsection (a), which is being stored or displayed beyond the date of consumption, shall be discarded.
- (c) Subsection (a) does not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request, or to whole, unsliced portions of a cured and processed product with original casing maintained on the remaining portion, such as aged hard cheeses, bologna, salami, or other sausage in a cellulose casing.

### **Section 175 Time as a Public Health Control \***

- (a) Except as specified under subsection (b), if time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption:
  - (1) the food shall be clearly marked or otherwise identified to indicate the time that is four (4) hours past the point in time when the food is removed from temperature control;
  - (2) the food shall be cooked and served, served if ready-to-eat, or discarded, within four (4) hours from the point in time when the food is removed from temperature control;
  - (3) the food in unmarked containers or packages or marked to exceed a four (4) hour limit shall be discarded; and

- (4) written procedures shall be maintained in the retail food establishment and made available to the regulatory authority, upon request, that ensure compliance with:
  - (A) this section; and
  - (B) section 171 of this rule for food that is prepared, cooked, and refrigerated before time is used as a public health control.
- (b) In a retail food establishment that serves a highly susceptible population, time alone shall not be used as the public health control for raw eggs.

## **Section 176 Confidentiality of Trade Secrets**

The regulatory authority shall treat as confidential in accordance with IC 24-2-3 and IC 5-14-3:

- (1) the information contained in plans and specifications listed in section 431 of this rule;
- (2) a HACCP plan; or
- (3) inspection report forms which meets the criteria of a trade secret.

## **Section 177 Reduced Oxygen Packaging; Criteria \***

- (a) A retail food establishment that packages food using a reduced oxygen packaging method and *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form shall ensure that there are at least two (2) barriers in place to control the growth and toxin formation of *Clostridium botulinum*.
- (b) A retail food establishment that packages food using a reduced oxygen packaging method and *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form shall have a HACCP plan that does the following:
  - (1) Contains a flow diagram by specific food or category type identifying critical control points and providing information on the following:
    - (A) Ingredients, materials, and equipment used in the preparation of that food.
    - (B) Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved.
  - (2) Contains a statement of standard operating procedures for the plan which clearly identifies the following:
    - (A) Each critical control point.
    - (B) The critical limits for each critical control point.
    - (C) The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person-in-charge.
    - (D) The method and frequency for the person-in-charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points.
    - (E) Action to be taken by the person-in-charge if the critical limits for each critical control point are not met.
    - (F) Records to be maintained by the person-in-charge to demonstrate that the HACCP plan is properly operated and managed.
  - (3) Identifies the food to be packaged.
  - (4) Limits the food packaged to a food that does not support the growth of *Clostridium botulinum* because it complies with one (1) of the following:
    - (A) Has a  $a_w$  of ninety-one hundredths (0.91) or less.
    - (B) Has a pH of four and six tenths (4.6) or less.
    - (C) Is a meat or poultry product cured at a food processing plant regulated by the USDA using substances specified in 9 CFR 318.7 and 9 CFR 381.147 and is received in an intact package.
    - (D) Is a food with a high level of competing organisms, such as raw meat or raw poultry.
  - (5) Specifies methods for maintaining food at forty-one (41) degrees Fahrenheit or below.
  - (6) Describes how the packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:
    - (A) maintain the food at forty-one (41) degrees Fahrenheit or below; and

- (B) discard the food if within fourteen (14) calendar days of its packaging it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption.
- (7) Limits the shelf life to no more than fourteen (14) calendar days from packaging to consumption or the original manufacturer's "sell by" or "use by" date, whichever occurs first.
- (8) Includes operational procedures that:
  - (A) prohibit contacting food with bare hands;
  - (B) identify a designated area and the method by which:
    - (i) physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross contamination; and
    - (ii) access to the processing equipment is restricted to responsible trained personnel familiar with the potential hazards of the operation; and
  - (C) delineate cleaning and sanitization procedures for food-contact surfaces.
- (9) Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the:
  - (A) concepts required for a safe operation;
  - (B) equipment and facilities; and
  - (C) procedures specified under subdivisions (b)(2) and (b)(8).
- (b) Except for fish that is frozen before, during, and after packaging, a retail food establishment may not package fish using a reduced oxygen packaging method.

<b>FOOD IDENTITY / PRESENTATION / ON-PREMISES LABELING</b>	<b>Sections 178-181 Item #10</b>
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### **Section 178 Accurate Representation of Packaged Food Using Standards of Identity**

Packaged food shall comply with standard of identity requirements in 21 CFR 131 through 21 CFR 169, 9 CFR 319, and the general requirements in 21 CFR 130 and 9 CFR 319, Subpart A.

### **Section 179 Honest Presentation of Food**

- (a) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.
- (b) Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.

### **Section 180 Food Labels**

- (a) Food packaged in a retail food establishment shall be labeled as specified in law, including the following:
  - (1) IC 16-42-1.
  - (2) IC 16-42-2.
  - (3) 410 IAC 7-5.
  - (4) 21 CFR 101.
  - (5) 9 CFR 317.
- (b) Label information shall include the following:
  - (1) The common name of the food or, absent a common name, an adequately descriptive identity statement.
  - (2) If made from two (2) or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives if contained in the food.

- (3) An accurate declaration of the quantity of contents.
- (4) The name and place of business of the manufacturer, packer, or distributor.
- (c) Except as specified in subsection (d), bulk, unpackaged food not intended for immediate consumption that is available for consumer self-dispensing, or that is portioned to consumer specifications shall be prominently labeled with either of the following information in plain view of the consumer:
  - (1) The manufacturer's or processor's label that was provided with the food.
  - (2) A card, sign, or other method of notification that includes the information specified under subsection (b)(1), (b)(2) and (b)(4).
- (d) Bulk unpackaged food need not be labeled if:
  - (1) a health, nutrient content, or other claim is not made; or
  - (2) the food is manufactured or prepared on the premises of the retail food establishment.
- (e) Retail food establishment or manufacturers' dating information on foods may not be concealed or altered.

## **Section 181 Consumption of Raw or Undercooked Foods of Animal Origin \***

- (a) Except as specified in section 161(c) of this rule, if food of animal origin, such as meat, fish, poultry, eggs, or shellfish that is:
  - (1) raw, undercooked, or not otherwise processed to eliminate pathogens is offered in a ready-to-eat form as a deli, menu, vended, or other item; or
  - (2) as a raw ingredient in another ready-to-eat food;
 the retail food establishment shall inform consumers by brochures, deli case or menu advisories, label statements, table tents, placards, or other effective means of the significantly increased risk associated with certain especially vulnerable consumers eating such foods in raw or undercooked form.
- (b) Long term care health facilities and other institutional facilities, that provide meals to residents who are sixty-five (65) years or older, shall provide written information to resident consumers informing them of the risks associated with consuming food described in subsection (a). The facility shall have a record of the notice on file as long as residency is maintained at the facility by the consumer.

## **CONTAMINATED FOOD**

## **Section 182 Item #11**

## **Section 182 Discarding or Reconditioning of Unsafe, Misbranded, Adulterated, or Contaminated Food \***

- (a) A food that is unsafe, adulterated, misbranded<sup>S</sup>, or not honestly presented as specified under section 117 of this rule shall be reconditioned according to an approved procedure or discarded.
- (b) Food that is not from an approved source as specified under sections 118 through 124 of this rule shall be discarded.
- (c) Ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded as specified under section 98 of this rule shall be discarded.
- (d) Food that is contaminated by food employees, consumers, or other persons through contact with soiled hands, bodily discharges, such as nasal or oral discharges, or other means shall be discarded.

**Section 183 Pasteurized Food, Prohibited Reservice, and Prohibited Food \***

- (a) This section applies in a retail food establishment that serves a highly susceptible population.
- (b) Prepackaged juice or a prepackaged beverage containing juice that bears a warning label as specified in 21 CFR 101.17(g) may not be served or offered for sale.
- (c) Pasteurized shell eggs or pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for raw shell eggs in the preparation of:
  - (1) foods, such as caesar salad, hollandaise or béarnaise sauce, mayonnaise, and egg-fortified beverages; and
  - (2) except as specified in subsection (f), recipes in which more than one (1) egg is broken and the eggs are combined.
- (d) Food in an unopened original package may not be reserved.
- (e) The following foods may not be served or offered for sale in a ready-to-eat form:
  - (1) Raw animal foods, such as raw fish, raw-marinated fish, raw molluscan shellfish, and steak tartare.
  - (2) A partially cooked animal food, such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw shell eggs, and meringue.
  - (3) Raw seed sprouts.
- (f) Subsection (c) does not apply if:
  - (1) the raw eggs are combined immediately before cooking for one (1) consumer's serving at a single meal, cooked as specified under section 161(a)(1) of this rule, and served immediately, such as an omelet, soufflé, or scrambled eggs; or
  - (2) the raw eggs are combined as an ingredient immediately before baking and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin, or bread.

# EQUIPMENT, UTENSILS, AND LINENS

## MATERIALS FOR CONSTRUCTION AND REPAIR

Sections 184-195  
Item #13

### Section 184 Characteristics of Materials for Utensils and Food-Contact Surfaces \*

Materials that are used in the construction of utensils and food-contact surfaces of equipment may not allow the migration of deleterious substances or impart colors, odors, or tastes to food and under normal use conditions shall be:

- (1) safe;
- (2) durable, corrosion-resistant, and nonabsorbent;
- (3) sufficient in weight and thickness to withstand repeated warewashing;
- (4) finished to have a smooth, easily cleanable surface; and
- (5) resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.

### Section 185 Cast Iron; Use Limitation

- (a) Except as specified in this section, cast iron may not be used for utensils or food-contact surfaces of equipment.
- (b) Cast iron may be used as a surface for cooking.
- (c) Cast iron may be used in utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.

### Section 186 Lead in Ceramic, China, and Crystal Utensils; Use Limitation

Ceramic, china, crystal utensils, and decorative utensils, such as hand painted ceramic or china that are used in contact with food shall be lead-free or contain levels of lead not exceeding the limits of the following utensil categories:

Utensil Category	Description	Maximum Lead ppm
Hot Beverage Mugs	Coffee Mugs	0.5
Large Hollowware	Bowls $\geq$ 1.16 Quart	1
Small Hollowware	Bowls < 1.16 Quart	2.0
Flat Utensils	Plates, Saucers	3.0

### Section 187 Copper; Use Limitation \*

- (a) Except as specified in subsection (b), copper and copper alloys, such as brass, may not be used in contact with:
  - (1) a food that has a pH below six (6), such as vinegar, fruit juice, or wine; or
  - (2) for a fitting or tubing installed between a backflow prevention device and a carbonator.

- (b) Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below six (6) in the prefermentation and fermentation steps of a beer brewing operation, such as a brewpub or microbrewery.

#### **Section 188 Galvanized Metal; Use Limitation \***

Galvanized metal may not be used for utensils or food-contact surfaces of equipment that are used in contact with moist or acidic food.

#### **Section 189 Sponges; Use Limitation**

Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

#### **Section 190 Lead in Pewter Alloys; Use Limitation**

Pewter alloys containing lead in excess of five-hundredths percent (0.05%) may not be used as a food-contact surface.

#### **Section 191 Lead in Solder and Flux; Use Limitation**

Solder and flux containing lead in excess of two-tenths percent (0.2%) may not be used as a food-contact surface.

#### **Section 192 Wood; Use Limitation**

- (a) Except as specified in this section, wood and wood wicker may not be used as a food-contact surface.
- (b) Hard maple or an equivalently hard, close-grained wood may be used for:
  - (1) cutting boards, cutting blocks, bakers' tables, and utensils, such as:
    - (A) rolling pins;
    - (B) doughnut dowels;
    - (C) salad bowls; and
    - (D) chopsticks; and
  - (2) wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of two hundred thirty (230) degrees Fahrenheit or above.
- (c) Whole, uncut raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.
- (d) If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:
  - (1) untreated wood containers; or
  - (2) treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800.

#### **Section 193 Nonstick Coatings; Use Limitation**

Multiuse kitchenware, such as frying pans, griddles, sauce pans, cookie sheets, and waffle bakers that have a perfluorocarbon resin coating shall be used with nonscoring or nonscratching utensils and cleaning aids.

## **Section 194 Nonfood-Contact Surfaces**

Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent, and smooth material.

## **Section 195 Characteristics of Materials Used in Single-Service and Single-Use Articles \***

- (a) Materials that are used to make single-service and single-use articles may not:
  - (1) allow the migration of deleterious substances; or
  - (2) impart colors, odors, or tastes to food. <sup>NC</sup>
- (b) These materials shall be:
  - (1) safe; and
  - (2) clean. <sup>NC</sup>

# **DESIGN AND CONSTRUCTION**

**Sections 196-231  
Item #14**

## **Section 196 Durability and Strength of Equipment and Utensils**

Equipment and utensils shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

## **Section 197 Durability and Strength of Food Temperature Measuring Devices \***

Food temperature measuring devices may not have sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating, such as candy thermometers, may be used.

## **Section 198 Cleanability of Food-Contact Surfaces \***

- (a) Multiuse food-contact surfaces shall be:
  - (1) smooth;
  - (2) free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections;
  - (3) free of sharp internal angles, corners, and crevices;
  - (4) finished to have smooth welds and joints; and
  - (5) except as specified in subsection (b), accessible for cleaning and inspection either:
    - (A) without being disassembled;
    - (B) disassembling without the use of tools; or
    - (C) easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel, such as screwdrivers, pliers, open-end wrenches, and allen wrenches.
- (b) Subsection (a)(5) does not apply to cooking oil storage tanks, distribution lines for cooking oils, or beverage syrup lines or tubes.



## **Section 199 CIP Equipment**

- (a) CIP equipment shall meet the characteristics specified under section 198 of this rule and shall be designed and constructed so that:
  - (1) cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces; and
  - (2) the system is self-draining or capable of being completely drained of cleaning and sanitizing solutions.
- (b) CIP equipment that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned.

## **Section 200 “V” Threads; Use Limitation**

“V” type threads may not be used on food-contact surfaces. This section does not apply to hot oil cooking or filtering equipment.

## **Section 201 Hot Oil Filtering Equipment**

Hot oil filtering equipment shall meet the characteristics specified under section 198 or 199 of this rule and shall be readily accessible for filter replacement and cleaning of the filter.

## **Section 202 Cleanability of Can Openers**

Cutting or piercing parts of can openers shall be readily removable for cleaning and for replacement.

## **Section 203 Cleanability of Nonfood-Contact Surfaces**

Nonfood-contact surfaces shall be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

## **Section 204 Kick Plates; Removable**

Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being:

- (1) removable by one (1) of the methods specified under section 198 of this rule or capable of being rotated open; and
- (2) removable or capable of being rotated open without unlocking equipment doors.

## **Section 205 Ventilation Hood Systems; Filters**

Filters or other grease extracting equipment shall be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.

## **Section 206 Accuracy of Temperature Measuring Devices**

- (a) Food temperature measuring devices that are scaled in Fahrenheit shall be accurate to plus or minus two (2) degrees Fahrenheit in the intended range of use.

- (b) Food temperature measuring devices that are dually scaled in Celsius and Fahrenheit shall be accurate to plus or minus one (1) degree Celsius in the intended range of use.

#### **Section 207 Accuracy of Ambient Air and Water Temperature Measuring Devices**

- (a) Ambient air and water temperature measuring devices that are scaled in Fahrenheit shall be accurate to plus or minus three (3) degrees Fahrenheit in the intended range of use.
- (b) Ambient air and water temperature measuring devices that are dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to plus or minus one and five-tenths (1.5) degrees Celsius in the intended range of use.

#### **Section 208 Pressure Measuring Devices; Mechanical Warewashing Equipment**

Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse shall have increments of one (1) pound per square inch or smaller and shall be accurate to two (2) pounds per square inch in the fifteen (15) to twenty-five (25) pounds per square inch range.

#### **Section 209 Ventilation Hood Systems; Drip Prevention**

Exhaust ventilation hood systems in food preparation and warewashing areas, including components, such as hoods, fans, guards, and ducting, shall be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, and single-service and single-use articles.

#### **Section 210 Equipment Openings, Closures, and Deflectors**

- (a) A cover or lid for equipment shall overlap the opening and be sloped to drain.
- (b) An opening located within the top of a unit of equipment that is designed for use with a cover or lid shall be flanged upward at least two-tenths (.2) of an inch.
- (c) Except as specified under subsection (d), fixed piping, temperature measuring devices, rotary shafts, and other parts extending into equipment shall be provided with a watertight joint at the point where the item enters the equipment.
- (d) If a watertight joint is not provided:
  - (1) the piping, temperature measuring devices, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from openings into the food; and
  - (2) the opening shall be flanged as specified under subsection (b).

#### **Section 211 Dispensing Equipment; Protection of Equipment and Food**

In equipment that dispenses or vends liquid food or ice in unpackaged form the following applies:

- (1) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the food shall be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food.
- (2) The delivery tube, chute, and orifice shall be protected from manual contact, such as by being recessed.
- (3) The delivery tube or chute and orifice of equipment used to vend liquid food or ice in unpackaged form to self-service consumers shall be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the equipment is:

- (A) located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or
  - (B) available for self-service during hours when it is not under the full-time supervision of a food employee.
- (4) The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

## **Section 212 Vending Machine; Vending Stage Closure**

The dispensing compartment of a vending machine, including a machine that is designed to vend prepackaged snack food that is not potentially hazardous, such as chips, party mixes, and pretzels, shall be equipped with a self-closing door or cover if the machine is:

- (1) located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or
- (2) available for self-service during hours when it is not under the full-time supervision of a food employee.

## **Section 213 Bearings and Gearboxes; Leakproof**

Equipment containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant can not leak, drip, or be forced into food or onto food-contact surfaces.

## **Section 214 Beverage Tubing; Separation**

Beverage tubing and cold-plate beverage cooling devices may not be installed in contact with ice stored for human consumption. This section does not apply to cold plates that are constructed integrally with an ice storage bin.

## **Section 215 Ice Units; Separation of Drains**

Liquid waste drain lines may not pass through an ice machine or ice storage bin.

## **Section 216 Condenser Unit; Separation**

If a condenser unit is an integral component of equipment, the condenser unit shall be separated from the food and food storage space by a dustproof barrier.

## **Section 217 Can Openers on Vending Machines**

Cutting or piercing parts of can openers on vending machines shall be protected from manual contact, dust, insects, rodents, and other contamination.

## **Section 218 Molluscan Shellfish Tanks**

- (a) Except as specified under subsection (b), molluscan shellfish life support system display tanks may not be used to display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.
- (b) Molluscan shellfish life support system display tanks that are used to store and display shellfish that are offered for human consumption shall be operated and maintained to ensure that:
  - (1) water used with fish other than molluscan shellfish does not flow into the molluscan tank;
  - (2) the safety and quality of the shellfish as they were received are not compromised by the use of the tank; and
  - (3) the identity of the source of the shellstock is retained as specified under section 135 of this rule.

## **Section 219 Vending Machines; Automatic Shutoff \***

- (a) A machine vending potentially hazardous food shall have an automatic control that prevents the machine from vending food if:
  - (1) there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that can not maintain food temperatures as specified under sections 117 through 183 of this rule; and
  - (2) a condition specified under subdivision (1) occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified under sections 117 through 183 of this rule.
- (b) When the automatic shutoff within a machine vending potentially hazardous food is activated in:
  - (1) a refrigerated vending machine, the ambient temperature may not exceed forty-one (41) degrees Fahrenheit or forty-five (45) degrees Fahrenheit as specified under section 173(3) of this rule for more than thirty (30) minutes immediately after the machine is filled, serviced, or restocked; or
  - (2) a hot holding vending machine, the ambient temperature may not be less than one hundred forty (140) degrees Fahrenheit for more than one hundred twenty (120) minutes immediately after the machine is filled, serviced, or restocked.

## **Section 220 Function of Temperature Measuring Devices**

- (a) In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device shall be located to measure the air temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.
- (b) Except as specified in subsection (c), cold or hot holding equipment used for potentially hazardous food shall be designed to include and shall be equipped with at least one (1) integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.
- (c) Subsection (b) does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment, such as calrod units, heat lamps, cold plates, bainmaries, steam tables, insulated food transport containers, and salad bars.
- (d) Temperature measuring devices shall be designed to be easily readable.
- (e) Food temperature measuring devices and water temperature measuring devices on warewashing machines shall have a numerical scale, printed record, or digital readout in increments no greater than two (2) degrees Fahrenheit in the intended range of use.

## **Section 221 Warewashing Machine; Data Plate Operating Specifications**

A warewashing machine shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operating specifications, including the:

- (1) temperatures required for washing, rinsing, and sanitizing;
- (2) pressure required for the fresh water sanitizing rinse unless the machine is designed to use only a pumped sanitizing rinse; and
- (3) conveyor speed for conveyor machines or cycle time for stationary rack machines.

## **Section 222 Warewashing Machines; Internal Baffles**

Warewashing machine wash and rinse tanks shall be equipped with baffles, curtains, or other means to minimize internal cross contamination of the solutions in wash and rinse tanks.

## **Section 223 Warewashing Machines; Temperature Measuring Devices**

A warewashing machine shall be equipped with a temperature measuring device that indicates the temperature of the water:

- (1) in each wash and rinse tank; and
- (2) as the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

## **Section 224 Manual Warewashing Equipment; Heaters and Baskets**

If hot water is used for sanitization in manual warewashing operations, the sanitizing compartment of the sink shall be:

- (1) designed with an integral heating device that is capable of maintaining water at a temperature not less than one hundred seventy (170) degrees Fahrenheit; and
- (2) provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

## **Section 225 Warewashing Machines; Sanitizer Level Indicator**

A warewashing machine that uses a chemical for sanitization and that is installed after the effective date of this rule, shall be equipped with a device that indicates audibly or visually when more chemical sanitizer needs to be added.

## **Section 226 Warewashing Machines; Flow Pressure Device**

- (a) Warewashing machines that provide a fresh hot water sanitizing rinse shall be equipped with a pressure gauge or similar device, such as a transducer, that measures and displays the water pressure in the supply line immediately before entering the warewashing machine.
- (b) If the flow pressure measuring device is upstream of the fresh hot water sanitizing rinse control valve, the device shall be mounted in a one-fourth (1/4) inch iron pipe size (IPS) valve.
- (c) Subsections (a) and (b) do not apply to a machine that uses only a pumped or recirculated sanitizing rinse.

## **Section 227 Warewashing Sinks and Drainboards; Self-Draining**

Sinks and drainboards of warewashing sinks and machines shall be self-draining.

## **Section 228 Equipment Compartments; Drainage**

Equipment compartments that are subject to accumulation of moisture due to conditions, such as condensation, food or beverage drip, or water from melting ice, shall be sloped to an outlet that allows complete draining.

## **Section 229 Vending Machines; Liquid Waste Products**

- (a) Vending machines designed to store beverages that are packaged in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.
- (b) Vending machines that dispense liquid food in bulk shall be:
  - (1) provided with an internally mounted waste receptacle for the collection of drip, spillage, overflow, or other internal wastes; and
  - (2) equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.
- (c) Shutoff devices specified under subsection (b)(2) shall prevent water or liquid food from continuously running if there is a failure of a flow control device in the water or liquid food system or waste accumulation that could lead to overflow of the waste receptacle.

## **Section 230 Vending Machine Doors and Openings**

- (a) Vending machine doors and access opening covers to food and container storage spaces shall be tight-fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than one-sixteenth (1/16) inch by any of the following:
  - (1) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than one-sixteenth (1/16) inch. Screening of twelve (12) mesh to one (1) inch meets this requirement.
  - (2) Being effectively gasketed.
  - (3) Having interface surfaces that are at least one-half (1/2) inch wide.
  - (4) Jambs or surfaces used to form an L-shaped entry path to the interface.
- (b) Vending machine service connection openings through an exterior wall of a machine shall be closed by sealants, clamps, or grommets so that the openings are no larger than one-sixteenth (1/16) inch.

## **Section 231 Food Equipment; Certification and Classification**

Food equipment that is certified or classified for sanitation by an American National Standards Institute accredited certification program will be deemed to comply with sections 184 through 230 of this rule.

**Section 232 Cooling, Heating, and Holding Capacities**

Equipment for cooling and heating food, and holding cold and hot food shall be sufficient in number and capacity to provide food temperatures as specified under sections 117 through 183 of this rule.

**Section 233 Manual Warewashing; Sink Compartment Requirements**

- (a) Except as specified in subsection (c), a sink with at least three (3) compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils.
- (b) Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils. If equipment or utensils are too large for the warewashing sink, a warewashing machine or alternative equipment as specified in subsection (c) shall be used.
- (c) Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved. Alternative manual warewashing equipment may include the following:
  - (1) High-pressure detergent sprayers.
  - (2) Low-pressure or line-pressure spray detergent foamers.
  - (3) Other task-specific cleaning equipment.
  - (4) Brushes or other implements.
  - (5) Two (2) compartment sinks as specified under subsections (d) and (e).
  - (6) Receptacles that substitute for the compartments of a multicompartment sink.
- (d) Before a two (2) compartment sink is used:
  - (1) the retail food establishment shall have its use approved; and
  - (2) the nature of warewashing shall be limited to batch operations for cleaning kitchenware, such as between cutting one (1) type of raw meat and another or cleanup at the end of a shift as follows:
    - (A) A limited number of items shall be cleaned.
    - (B) The cleaning and sanitizing solutions shall be made up immediately before use and drained immediately after use; and
    - (C) A detergent-sanitizer shall be used to sanitize and shall be applied as specified under section 258 of this rule; or
    - (D) A hot water sanitization immersion step shall be used as specified under section 273(3) of this rule.
- (e) A two (2) compartment sink may not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process.

**Section 234 Drainboards**

Drainboards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary utensil holding before cleaning and after sanitizing.

## **Section 235 Ventilation Hood Systems; Adequacy**

Ventilation hood systems and devices shall meet the requirements of the Indiana Department of Fire and Building Safety and be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

## **Section 236 Clothes Washers and Dryers**

- (a) Except as specified in subsection (b), if work clothes or linens are laundered on the premises, a mechanical clothes washer and dryer shall be provided and used.
- (b) If on-premises laundering is limited to wiping cloths intended to be used wet, or wiping cloths are air-dried as specified under section 283 of this rule, a mechanical clothes washer and dryer need not be provided.

## **Section 237 Utensils; Consumer Self-Service**

A food dispensing utensil shall be available for each container displayed at a consumer self-service unit, such as a buffet or salad bar.

## **Section 238 Food Temperature Measuring Devices**

Food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures as specified under sections 117 through 183 of this rule.

## **Section 239 Temperature Measuring Devices; Manual Warewashing**

In manual warewashing operations, a temperature measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.

## **Section 240 Sanitizing Solutions; Testing Devices**

A test kit or other device that accurately measures the concentration in ppm of sanitizing solutions shall be provided.

# **LOCATION AND INSTALLATION**

**Sections 241-243**  
**Item #16**

## **Section 241 Equipment, Clothes Washers, Dryers, and Storage Cabinets**

- (a) Except as specified in subsection (b), equipment, a cabinet used for the storage of food, or a cabinet that is used to store cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be located:
  - (1) in locker rooms;
  - (2) in toilet rooms;
  - (3) in garbage rooms;
  - (4) in mechanical rooms, when contamination is likely to occur;



- (5) under sewer lines that are not shielded to intercept potential drips;
- (6) under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;
- (7) under open stairwells; or
- (8) under other sources of contamination.
- (b) A storage cabinet used for linens or single-service or single-use articles may be stored in a locker room.
- (c) If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and only where there is no:
  - (1) exposed food;
  - (2) clean equipment, utensils, and linens; and
  - (3) unwrapped single-service and single-use articles.

## **Section 242 Fixed Equipment; Spacing or Sealing**

- (a) Equipment that is fixed because it is not easily movable shall be installed so that it is:
  - (1) spaced to allow access for cleaning along the sides, behind, and above the equipment;
  - (2) spaced from adjoining equipment, walls, and ceilings a distance of not more than one thirty-second (1/32) inch; or
  - (3) sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.
- (b) Table-mounted equipment that is not easily movable shall be installed to allow cleaning of the equipment and areas underneath and around the equipment by being:
  - (1) sealed to the table; or
  - (2) elevated on legs as specified under section 243(d) of this rule.

## **Section 243 Fixed Equipment; Elevation or Sealing**

- (a) Except as specified in subsections (b) and (c), floor-mounted equipment that is not easily movable shall be sealed to the floor or elevated on legs that provide at least a six (6) inch clearance between the floor and the equipment.
- (b) If no part of the floor under the floor-mounted equipment is more than six (6) inches from the point of cleaning access, the clearance space may be only four (4) inches.
- (c) This section does not apply to display shelving units, display refrigeration units, and display freezer units located in consumer shopping areas, such as in a grocery store, if the floor under the units is maintained clean.
- (d) Except as specified in subsection (e), table-mounted equipment that is not easily movable shall be elevated on legs that provide at least a four (4) inch clearance between the table and the equipment.
- (e) The clearance space between the table and table-mounted equipment may be:
  - (1) three (3) inches if the horizontal distance of the table top under the equipment is no more than twenty (20) inches from the point of access for cleaning; or
  - (2) two (2) inches if the horizontal distance of the table top under the equipment is no more than three (3) inches from the point of access for cleaning.

**Section 244 Repair and Proper Adjustment of Equipment**

- (a) Equipment shall be maintained in a state of repair and condition that meets the requirements specified under sections 184 through 231 of this rule.
- (b) Equipment components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications.
- (c) Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.

**Section 245 Food Equipment; Cutting Surfaces**

Surfaces, such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.

**Section 246 Microwave Ovens**

Microwave ovens shall meet the safety standards specified in 21 CFR 1030.10.

**Section 247 Warewashing Equipment; Cleaning Frequency**

A warewashing machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing equipment, utensils, or raw foods, or laundering wiping cloths; and drainboards or other equipment used to substitute for drainboards as specified under section 234 of this rule shall be cleaned:

- (1) before use;
- (2) throughout the day at a frequency necessary to prevent recontamination of equipment and utensils and to ensure that the equipment performs its intended function; and
- (3) if used, at least every twenty-four (24) hours.

**Section 248 Warewashing Machines; Manufacturer's Operating Instructions**

- (a) A warewashing machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions.
- (b) A warewashing machine's conveyor speed or automatic cycle times shall be maintained accurately timed in accordance with manufacturer's specifications.

**Section 249 Warewashing Sinks; Use Limitation**

- (a) A warewashing sink may not be used for handwashing or as a service sink.
- (b) If a warewashing sink is used to wash wiping cloths, wash produce, or thaw food, the sink shall be cleaned as specified under section 247 of this rule before and after each time it is used to wash wiping cloths or wash produce or thaw food. Sinks used to wash or thaw food shall be sanitized as specified under sections 275 and 276 of this rule before and after using the sink to wash or thaw food.

## **Section 250 Warewashing Equipment; Cleaning Agents**

When used for warewashing, the wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual warewashing equipment as specified in section 233(c) of this rule, shall contain a wash solution of soap, detergent, acid cleaner, alkaline cleaner, degreaser, abrasive cleaner, or other cleaning agent according to the cleaning agent manufacturer's label instructions.

## **Section 251 Warewashing Equipment; Clean Solutions**

The wash, rinse, and sanitize solutions shall be maintained clean.

## **Section 252 Manual Warewashing Equipment; Wash Solution Temperature**

The temperature of the wash solution in manual warewashing equipment shall be maintained at not less than one hundred ten (110) degrees Fahrenheit or the temperature specified on the cleaning agent manufacturer's label instructions.

## **Section 253 Mechanical Warewashing Equipment; Wash Solution Temperature**

- (a) The temperature of the wash solution in spray type warewashers that use hot water to sanitize may not be less than:
  - (1) for a stationary rack, single temperature machine, one hundred sixty-five (165) degrees Fahrenheit;
  - (2) for a stationary rack, dual temperature machine, one hundred fifty (150) degrees Fahrenheit;
  - (3) for a single tank, conveyor, dual temperature machine, one hundred sixty (160) degrees Fahrenheit; or
  - (4) for a multi-tank, conveyor, multi-temperature machine, one hundred fifty (150) degrees Fahrenheit.
- (b) The temperature of the wash solution in spray-type warewashers that use chemicals to sanitize may not be less than one hundred twenty (120) degrees Fahrenheit.

## **Section 254 Manual Warewashing Equipment; Hot Water Sanitization Temperatures \***

If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water shall be maintained at one hundred seventy (170) degrees Fahrenheit or above.

## **Section 255 Mechanical Warewashing Equipment; Hot Water Sanitization Temperatures**

- (a) Except as specified in subsection (b), in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold may not be more than one hundred ninety-four (194) degrees Fahrenheit, or less than:
  - (1) for a stationary rack, single temperature machine, one hundred sixty-five (165) degrees Fahrenheit; or
  - (2) for all other machines, one hundred eighty (180) degrees Fahrenheit.
- (b) The maximum temperature specified under subsection (a), does not apply to the high pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and sanitizing of equipment, such as meat saws.

## Section 256 Mechanical Warewashing Equipment; Sanitization Pressure

The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine may not be less than fifteen (15) pounds per square inch or more than twenty-five (25) pounds per square inch as measured in the water line immediately downstream or upstream from the fresh hot water sanitizing rinse control valve.

## Section 257 Manual and Mechanical Warewashing Equipment; Chemical Sanitization; Temperature, pH, Concentration, and Hardness \*

A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at exposure times specified under section 276(3) of this rule shall be listed in 21 CFR 178.1010, used in accordance with the manufacturer's label use instructions, and used as follows:

- (1) A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart:

Minimum Concentration	Minimum Temperature		Times (taken from Section 276)
ppm	pH 10 or less °F	pH 8 or less °F	
25	120	120	10 seconds
50	100	75	7 seconds
100	55	55	10 seconds

- (2) An iodine solution shall have a:
  - (A) minimum temperature of seventy-five (75) degrees Fahrenheit;
  - (B) pH of five (5.0) or less or a pH no higher than the level for which the manufacturer specifies the solution is effective; and
  - (C) concentration between twelve and one-half (12.5) ppm and twenty-five (25) ppm.
- (3) A quaternary ammonium compound solution shall:
  - (A) have a minimum temperature of seventy-five (75) degrees Fahrenheit;
  - (B) have a concentration as specified under section 413 of this rule and as indicated by the manufacturer's use directions included in the labeling; and
  - (C) be used only in water with five hundred (500) ppm hardness or less or in water having a hardness no greater than specified by the manufacturer's label.
- (4) If another solution of a chemical specified under subdivisions (1) through (3) is used, the retail food establishment shall demonstrate to the regulatory authority that the solution achieves sanitization and the use of the solution shall be approved.
- (5) If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be applied in accordance with the manufacturer's use directions included in the labeling.

## Section 258 Manual Warewashing Equipment; Chemical Sanitization Using Detergent-Sanitizers

If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step shall be the same detergent-sanitizer that is used in the washing step.

## **Section 259 Warewashing Equipment; Determining Chemical Sanitizer Concentration**

Concentration of the sanitizing solution shall be accurately determined by using a test kit or other device.

## **Section 260 Good Repair and Calibration**

- (a) Utensils shall be maintained in a state of repair or condition that complies with the requirements specified under sections 184 through 231 of this rule or shall be discarded.
- (b) Food temperature measuring devices shall be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy.
- (c) Ambient air temperature, water pressure, and water temperature measuring devices shall be maintained in good repair and be accurate within the intended range of use.

## **Section 261 Single-Service and Single-Use Articles; Required Use \***

A retail food establishment without facilities specified under sections 264 through 276 of this rule for cleaning and sanitizing kitchenware and tableware shall provide only single-use kitchenware, single-service articles, and single-use articles for use by food employees and single-service articles for use by consumers.

## **Section 262 Single-Service and Single-Use Articles; Use Limitation**

- (a) Single-service and single-use articles may not be reused.
- (b) The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one (1) inch protruding from the chilled dispensing head.

## **Section 263 Shells; Use Limitation**

Mollusk and crustacea shells may not be used more than once as serving containers.

# **CLEANING OF EQUIPMENT AND UTENSILS**

**Sections 264-274  
Item #18**

## **Section 264 Equipment Food-Contact Surfaces, Nonfood-Contact Surfaces, and Utensils \***

- (a) Equipment food-contact surfaces and utensils shall be clean to sight and touch.
- (b) The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations. <sup>NC</sup>
- (c) Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris. <sup>NC</sup>

## **Section 265 Equipment Food-Contact Surfaces and Utensils; Cleaning Frequency \***

- (a) Equipment food-contact surfaces and utensils shall be cleaned as follows:
  - (1) Except as specified in subsection (b), before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry.

- (2) Each time there is a change from working with raw foods to working with ready-to-eat foods.
- (3) Between uses with raw fruits and vegetables and with potentially hazardous food.
- (4) Before using or storing a food temperature measuring device.
- (5) At any time during the operation when contamination may have occurred.
- (b) Subsection (a)(1) does not apply if the food-contact surface or utensil is in contact with a succession of different raw animal foods each requiring a higher cooking temperature as specified under section 161 of this rule than the previous food, such as preparing raw fish followed by cutting raw poultry on the same cutting board.
- (c) Except as specified in subsection (d), if used with potentially hazardous food, equipment food-contact surfaces and utensils shall be cleaned throughout the day at least every four (4) hours.
- (d) Surfaces of utensils and equipment contacting potentially hazardous food may be cleaned less frequently than every four (4) hours if the following applies:
  - (1) In storage, containers of potentially hazardous food and their contents are maintained at temperatures specified under sections 117 through 183 of this rule and the containers are cleaned when they are empty.
  - (2) Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one (1) of the temperatures in the following chart and:
    - (A) The utensils and equipment are cleaned at the frequency in the chart in clause (A) that corresponds to the temperature:

Temperature	Cleaning Frequency
41°F or less	24 hours
>41°F - 45°F	20 hours
>45°F - 50°F	16 hours
>50°F - 55°F	10 hours

- (B) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the retail food establishment.
- (3) Containers in serving situations, such as salad bars, delis, and cafeteria lines hold ready-to-eat potentially hazardous food that is maintained at the temperatures specified under sections 117 through 183 of this rule, are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are cleaned at least every twenty-four (24) hours.
- (4) Temperature measuring devices are maintained in contact with food, such as when left in a container of deli food or in a roast, held at temperatures specified under sections 117 through 183 of this rule.
- (5) Equipment is used for storage of packaged or unpackaged food, such as a reach-in refrigerator and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues.
- (6) The cleaning schedule is approved based on consideration of the following:
  - (A) Characteristics of the equipment and its use.
  - (B) The type of food involved.
  - (C) The amount of food residue accumulation.
  - (D) The temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic micro-organisms that are capable of causing foodborne disease.
- (7) In-use utensils are intermittently stored in a container of water in which the water is maintained at one hundred forty (140) degrees Fahrenheit or more and the utensils and container are cleaned at least every twenty-four (24) hours or at a frequency necessary to preclude accumulation of soil residues.
- (e) Except when dry cleaning methods are used as specified under section 268 of this rule, surfaces of utensils and equipment contacting food that is not potentially hazardous shall be cleaned as follows:
  - (1) At any time when contamination may have occurred.

- (2) At least every twenty-four (24) hours for iced tea dispensers and consumer self-service utensils, such as tongs, scoops, or ladles.
- (3) Before restocking consumer self-service equipment and utensils, such as condiment dispensers and display containers.
- (4) In equipment, such as ice bins and beverage dispensing nozzles, and enclosed components of equipment, such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders, and water vending equipment:
  - (A) at a frequency specified by the manufacturer; or
  - (B) absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

## **Section 266 Cooking and Baking Equipment**

- (a) The food-contact surfaces of cooking and baking equipment shall be cleaned at least every twenty-four (24) hours. This section does not apply to hot oil cooking and filtering equipment if it is cleaned as specified in section 265(d)(6) of this rule.
- (b) The cavities and door seals of microwave ovens shall be cleaned at least every twenty-four (24) hours by using the manufacturer's recommended cleaning procedure.

## **Section 267 Nonfood-Contact Surfaces**

Nonfood-contact surfaces of equipment shall be cleaned at a frequency necessary to preclude accumulation of soil residues.

## **Section 268 Dry Cleaning**

- (a) If used, dry cleaning methods, such as brushing, scraping, and vacuuming shall contact only surfaces that are soiled with dry food residues that are not potentially hazardous.
- (b) Cleaning equipment used in dry cleaning food-contact surfaces may not be used for any other purpose.

## **Section 269 Precleaning**

- (a) Food debris on equipment and utensils shall be scrapped over a waste disposal unit, garbage receptacle, or shall be removed in a warewashing machine with a prewash cycle.
- (b) If necessary for effective cleaning, utensils and equipment shall be preflushed, presoaked, or scrubbed with abrasives.

## **Section 270 Loading of Soiled Items; Warewashing Machines**

Soiled items to be cleaned in a warewashing machine shall be loaded into racks, trays, or baskets or onto conveyors in a position that:

- (1) exposes the items to the unobstructed spray from all cycles; and
- (2) allows the items to drain.

## **Section 271 Wet Cleaning**

- (a) Equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of:
  - (1) detergents containing wetting agents and emulsifiers;

- (2) acid, alkaline, or abrasive cleaners;
- (3) hot water;
- (4) brushes;
- (5) scouring pads;
- (6) high-pressure sprays; or
- (7) ultrasonic devices.
- (b) The washing procedures selected shall be based on the:
  - (1) type and purpose of the equipment or utensil; and
  - (2) type of soil to be removed.

## **Section 272 Washing; Procedures for Alternative Manual Warewashing Equipment**

If washing in sink compartments or a warewashing machine is impractical, such as when the equipment is fixed or the utensils are too large, washing shall be done by using alternative manual warewashing equipment as specified in section 233(c) of this rule in accordance with the following procedures:

- (1) Equipment shall be disassembled as necessary to allow access of the detergent solution to all parts.
- (2) Equipment components and utensils shall be scraped or rough cleaned to remove food particle accumulation.
- (3) Equipment and utensils shall be washed as specified under section 271(a) of this rule.

## **Section 273 Rinsing Procedures**

Washed utensils and equipment shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using one (1) of the following procedures:

- (1) Use of a distinct, separate water rinse after washing and before sanitizing if using:
  - (A) a three (3) compartment sink;
  - (B) alternative manual warewashing equipment equivalent to a three (3) compartment sink as specified in section 233(c) of this rule; or
  - (C) a three (3) step washing, rinsing, and sanitizing procedure in a warewashing system for CIP equipment.
- (2) Use of a detergent-sanitizer as specified under section 258 of this rule if using:
  - (A) alternative warewashing equipment as specified in section 233(c) of this rule that is approved for use with a detergent-sanitizer; or
  - (B) a warewashing system for CIP equipment.
- (3) Use of a nondistinct water rinse that is integrated in the hot water sanitization immersion step of a two (2) compartment sink operation.
- (4) If using a warewashing machine that does not recycle the sanitizing solution as specified under subdivision (5), or alternative manual warewashing equipment, such as sprayers, use of a nondistinct water rinse that is:
  - (A) integrated in the application of the sanitizing solution; and
  - (B) wasted immediately after each application.
- (5) If using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the sanitizing solution.

## **Section 274 Returnables; Cleaning for Refilling \***

- (a) Except as specified in this section, returned empty containers intended for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing plant.
- (b) Food containers for beverages may be refilled at a retail food establishment if:



- (1) only a beverage that is not a potentially hazardous food is used as specified under section 151(a) of this rule;
- (2) the design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow for effective cleaning;
- (3) the consumer-owned container returned to the retail food establishment for refilling is refilled for sale or service only to the same consumer; and
- (4) the container is refilled by:
  - (A) an employee of the retail food establishment; or
  - (B) the owner of the container if the beverage system includes a contamination-free transfer process that cannot be bypassed by the container owner.
- (c) Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

## SANITIZATION OF EQUIPMENT AND UTENSILS

Sections 275-276  
Item #19

### Section 275 Sanitization of Food-Contact Surfaces \*

Utensils and food-contact surfaces of equipment shall be sanitized immediately after cleaning.

### Section 276 Hot Water and Chemical Sanitizing Methods \*

After being cleaned, equipment food-contact surfaces and utensils shall be sanitized in:

- (1) hot water manual operations by immersion for at least thirty (30) seconds as specified under section 254 of this rule;
- (2) hot water mechanical operations by being cycled through equipment that is set up as specified under sections 248, 255, and 256 of this rule and achieving a utensil surface temperature of one hundred sixty (160) degrees Fahrenheit as measured by an irreversible registering temperature indicator; or
- (3) chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under section 257 of this rule by providing:
  - (A) except as specified under clause (B), an exposure time of at least ten (10) seconds for a chlorine solution specified under section 257(1) of this rule;
  - (B) an exposure time of at least seven (7) seconds for a chlorine solution of fifty (50) ppm that has a pH of ten (10) or less and a temperature of at least one hundred (100) degrees Fahrenheit or a pH of eight (8) or less and a temperature of at least seventy five (75) degrees Fahrenheit;
  - (C) an exposure time of at least thirty (30) seconds for other chemical sanitizing solutions; or
  - (D) an exposure time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields sanitization as defined in section 72 of this rule.

## **LAUNDERING**

**Sections 277-281  
Item #20**

### **Section 277 Clean Linens**

Clean linens shall be free from food residues and other soiling matter.

### **Section 278 Specifications for Laundering**

- (a) Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky, or visibly soiled.
- (b) Cloth gloves used as specified in section 149(d) of this rule shall be laundered before being used with a different type of raw animal food, such as beef, lamb, pork, and fish.
- (c) Linens and napkins that are used as specified under section 147 of this rule and cloth napkins shall be laundered between each use.
- (d) Wet wiping cloths shall be laundered daily.
- (e) Dry wiping cloths shall be laundered as necessary to prevent contamination of food and clean serving utensils.

### **Section 279 Storage of Soiled Linens**

Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of food, clean equipment, clean utensils, and single-service and single-use articles.

### **Section 280 Mechanical Washing**

- (a) Except as specified in subsection (b), linens shall be mechanically washed.
- (b) In retail food establishments in which only wiping cloths are laundered as specified in section 236(b) of this rule, the wiping cloths may be laundered in a mechanical washer, a sink designated only for laundering wiping cloths, or a warewashing or food preparation sink that is cleaned as specified under section 247 of this rule.

### **Section 281 Use of Laundry Facilities**

- (a) Except as specified in subsection (b), laundry facilities on the premises of a retail food establishment shall be used only for the washing and drying of items used in the operation of the establishment.
- (b) Separate laundry facilities located on the premises for the purpose of general laundering, such as for institutions providing boarding and lodging, may also be used for laundering retail food establishment items.

**Section 282 Equipment and Utensils; Air Drying Required**

After cleaning and sanitizing, equipment and utensils:

- (1) shall be air-dried or used after adequate draining as specified in 21 CFR 178.1010(a), before contact with food; and
- (2) may not be cloth dried except that utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

**Section 283 Wiping Cloths; Air Drying Locations**

Wiping cloths laundered in a retail food establishment that does not have a mechanical clothes dryer as specified in section 236(b) of this rule shall be air-dried in a location and in a manner that prevents contamination of food, equipment, utensils, linens, and single-service and single-use articles and the wiping cloths. This section does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified under section 257 of this rule.

**Section 284 Lubricants for Food-Contact Surfaces**

Lubricants shall be applied to food-contact surfaces that require lubrication in a manner that does not contaminate food-contact surfaces.

**Section 285 Protection of Equipment**

Equipment shall be reassembled so that food-contact surfaces are not contaminated.

**Section 286 Equipment, Utensils, Linens, and Single-Service and Single-Use Articles**

- (a) Except as specified in subsection (d), cleaned equipment and utensils, laundered linens, and single-service and single-use articles shall be stored as follows:
  - (1) In a clean, dry location.
  - (2) Where they are not exposed to splash, dust, or other contamination.
  - (3) At least six (6) inches above the floor.
- (b) Clean equipment and utensils shall be stored as specified under subsection (a) and shall be stored as follows:
  - (1) In a self-draining position that allows air drying.
  - (2) Covered or inverted.
- (c) Single-service and single-use articles shall be stored as specified under subsection (a) and shall be kept in the original protective package or stored by using other means that afford protection from contamination until used.
- (d) Items that are kept in closed packages may be stored less than six (6) inches above the floor on dollies, pallets, racks, and skids.

## **Section 287 Storage Prohibitions**

- (a) Except as specified in subsection (b), cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be stored as follows:
  - (1) In locker rooms.
  - (2) In toilet rooms.
  - (3) In garbage rooms.
  - (4) In mechanical rooms, when contamination is likely to occur.
  - (5) Under sewer lines that are not shielded to intercept potential drips.
  - (6) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed.
  - (7) Under open stairwells.
  - (8) Under other sources of contamination.
- (b) Laundered linens and single-service and single-use articles that are packaged or in a facility, such as a cabinet, may be stored in a locker room.

## **Section 288 Handling of Kitchenware and Tableware**

- (a) Single-service articles, single-use articles, and utensils that have been sanitized shall be handled, displayed, and dispensed so that contamination of food-contact and lip-contact surfaces is prevented.
- (b) Knives, forks, and spoons that are not prewrapped shall be presented so that only the handles are touched by employees and by consumers if consumer self-service is provided.
- (c) Except as specified under subsection (b), single-service articles that are intended for food-contact or lip-contact shall be furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser.

## **Section 289 Handling of Soiled and Clean Kitchenware**

Soiled tableware shall be removed from consumer eating and drinking areas and handled so that clean tableware is not contaminated.

## **Section 290 Protection of Preset Tableware**

If tableware is preset:

- (1) it shall be protected from contamination by being wrapped, covered, or inverted;
- (2) exposed, unused settings shall be removed when a consumer is seated; or
- (3) exposed, unused settings shall be cleaned and sanitized before further use if the settings are not removed when a consumer is seated.

# **WATER, PLUMBING, AND WASTE**

## **WATER**

**Sections 291-300**

**Item #22**

### **Section 291 Water Source \***

Drinking water shall be obtained from a source which meets the quality standards as specified in 327 IAC 8-2.

### **Section 292 System Flushing and Disinfection \***

A drinking water system shall be flushed and disinfected before being placed in service after construction, repair, or modification and after an emergency situation, such as a flood, that may introduce contaminants to the system.

### **Section 293 Bottled Drinking Water \***

Bottled drinking water used or sold in a retail food establishment shall be obtained from approved sources in accordance with 21 CFR 129.

### **Section 294 Nondrinking Water \***

Nondrinking water shall be used only for nonculinary purposes, such as air conditioning, nonfood equipment cooling, fire protection, and irrigation.

### **Section 295 Water Sampling**

Except when used as specified under section 294 of this rule, water from a nonpublic water system shall be sampled and tested at least annually and as required by state water quality regulations.

### **Section 296 Water Sample Report**

The most recent sample report for the nonpublic water system shall be provided to the regulatory authority upon request.

### **Section 297 Capacity \***

- (a) The water source and system shall be of sufficient capacity to meet the water demands of the retail food establishment.
- (b) Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the retail food establishment.

## **Section 298 Water Pressure**

Water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use water except that water supplied as specified under sections 300(1) and 300(2) of this rule to a temporary food establishment or in response to a temporary interruption of a water supply need not be under pressure.

## **Section 299 Water Distribution, Delivery, and Retention System**

Water shall be received from the source through the use of either of the following:

- (1) A public water main.
- (2) One (1) or more of the following that shall be constructed, maintained, and operated according to law:
  - (A) Nonpublic water main, water pumps, pipes, hoses, connections, and other appurtenances.
  - (B) Water transport vehicles.
  - (C) Water containers.

## **Section 300 Alternative Water Supply**

Water meeting the requirements specified under sections 291 through 298 of this rule shall be made available for a mobile facility, for a temporary food establishment without a permanent water supply, and for a retail food establishment with a temporary interruption of its water supply through:

- (1) a supply of containers of commercially bottled drinking water;
- (2) one (1) or more closed portable water containers;
- (3) an enclosed vehicular water tank;
- (4) an on-premises water storage tank; or
- (5) piping, tubing, or hoses connected to an adjacent approved source.

# **PLUMBING SYSTEM**

**Sections 301-318  
Item #23**

## **Section 301 Approved Plumbing System Materials \***

- (a) A plumbing system and hoses conveying water shall be constructed and repaired with approved materials according to law.
- (b) Water treatment devices shall be made of safe materials.

## **Section 302 Design, Construction, and Installation of Approved Plumbing System and Cleanable Fixtures \***

- (a) A plumbing system shall be designed, constructed, and installed according to applicable Indiana Plumbing Code.
- (b) A plumbing fixture, such as a handwashing facility, toilet, or urinal shall be easily cleanable. <sup>NC</sup>

### **Section 303 Handwashing Facility; Water Temperature and Flow**

- (a) A handwashing facility shall be equipped to provide hot and cold water tempered by means of a mixing valve or combination faucet.
- (b) A steam mixing valve may not be used at a handwashing lavatory.
- (c) A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least fifteen (15) seconds without the need to reactivate the faucet.
- (d) An automatic handwashing facility shall be installed in accordance with manufacturer's instructions.

### **Section 304 Backflow Prevention; Air Gap \***

An air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment shall be at least twice the diameter of the water supply inlet and may not be less than one (1) inch.

### **Section 305 Backflow Prevention Device; Design Standard**

A backflow or backsiphonage prevention device installed on a water supply system shall meet the standards in 675 IAC 16-1.3 for construction, installation, maintenance, inspection, and testing for that specific application and type of device.

### **Section 306 Water Conditioning Device; Design**

A water filter, screen, and other water conditioning device installed on water lines shall be designed to facilitate disassembly for periodic servicing and cleaning. A water filter element shall be of the replaceable type.

### **Section 307 Handwashing Lavatories; Numbers and Capacities \***

- (a) Except as specified in subsection (b), at least one (1) handwashing lavatory, a number of handwashing lavatories necessary for their convenient use by employees in areas specified under section 311 of this rule, and not fewer than the number of handwashing lavatories required by 675 IAC 16-1.3 shall be provided.
- (b) If approved and capable of removing the types of soils encountered in the food operations involved, automatic handwashing facilities may be substituted for handwashing lavatories in a retail food establishment that has at least one (1) handwashing lavatory.
- (c) If approved, when food exposure is limited, and handwashing lavatories can not be made available, employees in some mobile or temporary food establishments or at some vending machine locations may use other effective means for handwashing.

### **Section 308 Toilets and Urinals \***

At least one (1) toilet and not fewer than the toilets required by law shall be provided. If authorized by law and urinals are substituted for toilets, the substitution shall be done as specified in laws of the Indiana Department of Fire and Building Safety.

### **Section 309 Service Sink**

At least one (1) service sink or one (1) curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.

### **Section 310 Backflow Prevention Device; When Required \***

A plumbing system shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the retail food establishment, including on hose bibbs with or without a hose attached, and backflow prevention is required by plumbing code, by:

- (1) providing an air gap as specified under section 304 of this rule; or
- (2) installing an approved backflow prevention device as specified under section 305 of this rule.

### **Section 311 Handwashing Facility; Location \***

A handwashing facility shall be accessible at all times and located as follows:

- (1) To allow convenient use by employees in food preparation, food dispensing, and warewashing areas.
- (2) In, or immediately adjacent to, toilet rooms.

### **Section 312 Backflow Prevention Device; Location**

A backflow prevention device shall be located so that it may be serviced and maintained.

### **Section 313 Water Conditioning Device; Location**

A water filter, screen, and other water conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning.

### **Section 314 Handwashing Facility; Maintenance**

- (a) A handwashing facility shall be maintained clean at all times for employee use.
- (b) A handwashing facility may not be used for purposes other than handwashing.
- (c) A handwashing facility shall be used in accordance with manufacturer's instruction.

### **Section 315 Prohibiting a Cross Connection \***

- (a) Except for firefighting purposes, a person may not create a cross connection by connecting a pipe or conduit between the drinking water system and a nondrinking water system or a water system of unknown quality.
- (b) The piping of a nondrinking water system shall be durably identified so that it is readily distinguishable from piping that carries drinking water. <sup>NC</sup>

### **Section 316 Scheduling Inspection and Service for a Water System Device**

A device, such as a water treatment device or backflow preventer, shall be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based



on local water conditions, and records demonstrating inspection and service shall be provided to the regulatory authority upon request.

#### **Section 317 Water Reservoir of Fogging Devices; Cleaning \***

- (a) A reservoir that is used to supply water to a device, such as a produce fogger, shall be:
  - (1) maintained in accordance with manufacturer's specifications; and
  - (2) cleaned in accordance with manufacturer's specifications or according to the procedures specified under subsection (b), whichever is more stringent.
- (b) Cleaning procedures shall include at least the following steps and shall be conducted at least once a week:
  - (1) Draining and complete disassembly of the water and aerosol contact parts.
  - (2) Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution.
  - (3) Flushing the complete system with water to remove the detergent solution and particulate accumulation.
  - (4) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least fifty (50) ppm hypochlorite solution.

#### **Section 318 Plumbing System Maintained in Good Repair \***

A plumbing system shall be:

- (1) repaired according to law; and
- (2) maintained in good repair. <sup>S</sup>

<b>MOBILE WATER TANK AND MOBILE RETAIL FOOD ESTABLISHMENT WATER TANK</b>	<b>Sections 319-332 Item #24</b>
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#### **Section 319 Mobile Water Tank and Mobile Retail Food Establishment Water Tank Materials**

Materials that are used in the construction of a mobile water tank, mobile retail food establishment water tank, and appurtenances shall be:

- (1) safe;
- (2) durable, corrosion-resistant, and nonabsorbent; and
- (3) finished to have a smooth, easily cleanable surface.

#### **Section 320 Enclosed System; Sloped to Drain**

A mobile water tank shall be:

- (1) enclosed from the filling inlet to the discharge outlet; and
- (2) sloped to an outlet that allows complete drainage of the tank.

#### **Section 321 Inspection and Cleaning Port; Protected and Secured**

If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and:

- (1) flanged upward at least one-half (1/2) inch; and
- (2) equipped with a port cover assembly that is:

- (A) provided with a gasket and a device for securing the cover in place; and
- (B) flanged to overlap the opening and sloped to drain.

### **Section 322 “V” Type Threads; Use Limitation**

A fitting with “V” type threads on a water tank inlet or outlet shall be allowed only when a hose is permanently attached.

### **Section 323 Tank Vent; Protected**

If provided, a water tank vent shall terminate in a downward direction and shall be covered with:

- (1) sixteen (16) mesh to one (1) inch screen or equivalent when the vent is in a protected area; or
- (2) a protective filter when the vent is in an area that is not protected from windblown dirt and debris.

### **Section 324 Inlet and Outlet; Sloped to Drain**

- (a) A water tank and its inlet and outlet shall be sloped to drain.
- (b) A water tank inlet shall be positioned so that it is protected from contaminants, such as waste discharge, road dust, oil, or grease.

### **Section 325 Hose; Construction and Identification**

A hose used for conveying drinking water from a water tank shall be:

- (1) safe;
- (2) durable, corrosion-resistant, and nonabsorbent;
- (3) resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition;
- (4) finished with a smooth interior surface; and
- (5) clearly and durably identified as to its use if not permanently attached.

### **Section 326 Filter; Compressed Air**

A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and drinking water system when compressed air is used to pressurize the water tank system.

### **Section 327 Protective Cover or Device**

A cap and keeper chain, closed cabinet, closed storage tube, or other approved protective cover or device shall be provided for a water inlet, outlet, and hose.

### **Section 328 Mobile Retail Food Establishment’s Water Tank Inlet**

A mobile retail food establishment’s water tank inlet shall be:

- (1) three-fourths (3/4) inch in inner diameter or less; and
- (2) provided with a hose connection of a size or type that will prevent its use for any other service.

## **Section 329 System Flushing and Disinfection \***

A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse.

## **Section 330 Using a Pump and Hoses; Backflow Prevention**

A person shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.

## **Section 331 Protecting Inlet, Outlet, and Hose Fitting**

If not in use, a water tank hose inlet and outlet fitting shall be protected using a cover or device as specified under section 327 of this rule.

## **Section 332 Water Tank, Pump, and Hoses Dedication**

- (a) Except as specified in subsection (b), a water tank, pump, and hoses used for conveying drinking water shall be used for no other purpose.
- (b) Water tanks, pumps, and hoses approved for liquid foods may be used for conveying drinking water if they are cleaned and sanitized before they are used to convey water.

# **SEWAGE AND OTHER LIQUID WASTE**

**Sections 333-341  
Item #25**

## **Section 333 Sewage Holding Tank of Mobile Retail Food Establishment; Capacity and Drainage**

A sewage holding tank in a mobile retail food establishment shall be:

- (1) sized fifteen percent (15%) larger in capacity than the water supply tank; and
- (2) sloped to a drain that is one (1) inch in inner diameter or greater, equipped with a shut-off valve.

## **Section 334 Establishment Drainage Systems**

Retail food establishment drainage systems, including grease traps, that convey sewage shall be designed and installed as specified under section 302(a) of this rule.

## **Section 335 Backflow Prevention \***

- (a) Except as specified in this section, a direct connection may not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed.
- (b) If allowed under Indiana plumbing code, a warewashing machine may have a direct connection between its waste outlet and a floor drain when the machine is located within five (5) feet of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.
- (c) If allowed by law, a warewashing or culinary sink may have a direct connection.

### **Section 336 Grease Trap**

If used, a grease trap shall be located to be easily accessible for cleaning.

### **Section 337 Conveying Sewage \***

Sewage shall be conveyed to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to law.

### **Section 338 Removing Mobile Retail Food Establishment Wastes**

Sewage and other liquid wastes shall be removed from a mobile retail food establishment at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created.

### **Section 339 Flushing a Waste Retention Tank**

A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

### **Section 340 Approved Sewage Disposal System \***

Sewage shall be disposed through an approved facility that is:

- (1) a public sewage treatment plant; or
- (2) an individual sewage disposal system that is sized, constructed, maintained, and operated according to law.

### **Section 341 Other Liquid Wastes and Rainwater**

Condensate drainage and other nonsewage liquids and rainwater shall be drained from point of discharge to disposal according to law.

<b>REFUSE, RECYCLABLES AND RETURNABLES</b>	<b>Sections 342-361</b> <b>Item #26</b>
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### **Section 342 Refuse, Recyclables, and Returnables; Indoor Storage Area**

If located within the retail food establishment, a storage area for refuse, recyclables, and returnables shall meet the requirements specified under sections 362, 364 through 371, 376, and 377 of this rule.

### **Section 343 Outdoor Storage Surface**

An outdoor storage surface for refuse, recyclables, and returnables shall be constructed of nonabsorbent material, such as concrete or asphalt and shall be smooth, durable, and sloped to drain.

## **Section 344 Outdoor Enclosure**

If used, an outdoor enclosure for refuse, recyclables, and returnables shall be constructed of durable and cleanable materials.

## **Section 345 Receptacles**

- (a) Except as specified in subsection (b), receptacles and waste handling units for refuse, recyclables, and returnables and for use with materials containing food residue shall be durable, cleanable, insect-resistant, rodent-resistant, leakproof, and nonabsorbent.
- (b) Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the retail food establishment, or within closed outside receptacles.

## **Section 346 Receptacles in Vending Machines**

A refuse receptacle may not be located within a vending machine, except that a receptacle for beverage bottle crown closures may be located within a vending machine.

## **Section 347 Outside Receptacles**

- (a) Receptacles and waste handling units for refuse, recyclables, and returnables used with materials containing food residue and used outside the retail food establishment shall be designed and constructed to have tight-fitting lids, doors, or covers.
- (b) Receptacles and waste handling units for refuse and recyclables, such as an on-site compactor, shall be installed so that accumulation of debris and rodent/insect attraction or harborage are minimized. Such units shall be installed so that effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

## **Section 348 Storage Areas, Rooms, and Receptacles; Capacity and Availability**

- (a) An inside storage room and area and outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold refuse, recyclables, and returnables that accumulate.
- (b) A receptacle shall be provided in each area of the retail food establishment or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.
- (c) If disposable towels are used at handwashing lavatories, a waste receptacle shall be located at each lavatory or group of adjacent lavatories.

## **Section 349 Toilet Room Receptacle; Covered**

A toilet room used by females shall be provided with a covered receptacle for sanitary napkins.

## **Section 350 Cleaning Implements and Supplies**

- (a) Except as specified in subsection (b), suitable cleaning implements and supplies, such as high pressure pumps, hot water, steam, and detergent, shall be provided as necessary for effective cleaning of receptacles and waste handling units for refuse, recyclables, and returnables.
- (b) If approved, off-premises-based cleaning services may be used if on-premises cleaning implements and supplies are not provided.

### **Section 351 Storage Areas, Redeeming Machines, Receptacles and Waste Handling Units; Location**

- (a) An area designated for refuse, recyclables, returnables, and, except as specified in subsection (b), a redeeming machine for recyclables or returnables shall be located so that it is separate from food, equipment, utensils, linens, and single-service and single-use articles and a public health hazard or nuisance is not created.
- (b) A redeeming machine may be located in the packaged food storage area or consumer area of a retail food establishment if food, equipment, utensils, linens, and single-service and single-use articles are not subject to contamination from the machines and a public health hazard or nuisance is not created.
- (c) The location of receptacles and waste handling units for refuse, recyclables, and returnables may not create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

### **Section 352 Storing Refuse, Recyclables, and Returnables**

Refuse, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

### **Section 353 Storage Areas, Enclosures, and Receptacles; Good Repair**

Storage areas, enclosures, and receptacles for refuse, recyclables, and returnables shall be maintained in good repair.

### **Section 354 Outside Storage Prohibitions**

- (a) Except as specified in subsection (b), refuse receptacles not meeting the requirements specified under section 345(a) of this rule, such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue may not be stored outside.
- (b) Cardboard or other packaging material that does not contain food residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

### **Section 355 Covering Receptacles**

Receptacles and waste handling units for refuse, recyclables, and returnables shall be kept covered:

- (1) inside the retail food establishment if the receptacles and units:
  - (A) contain food residue and are not in continuous use; or
  - (B) after they are filled; and
- (2) with tight-fitting lids or doors if kept outside the retail food establishment.

### **Section 356 Using Drain Plugs**

Drains in receptacles and waste handling units for refuse, recyclables, and returnables shall have drain plugs in place.

## **Section 357 Maintaining Refuse Areas and Enclosures**

A storage area and enclosure for refuse, recyclables, or returnables shall be maintained free of unnecessary items, as specified under section 405 of this rule, and clean.

## **Section 358 Cleaning Receptacles**

- (a) Receptacles and waste handling units for refuse, recyclables, and returnables shall be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens, or single-service and single-use articles, and waste water shall be disposed of in a manner that does not create a public health hazard or nuisance.
- (b) Soiled receptacles and waste handling units for refuse, recyclables, and returnables shall be cleaned at a frequency necessary to prevent them from developing a build-up of soil or becoming attractants for insects and rodents.

## **Section 359 Frequency**

Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

## **Section 360 Receptacles or Vehicles**

Refuse, recyclables, and returnables shall be removed from the premises by way of:

- (1) portable receptacles that are constructed and maintained according to law; or
- (2) a transport vehicle that is constructed, maintained, and operated according to law.

## **Section 361 Community or Individual Facility**

Solid waste not disposed of through the sewage system, such as through grinders and pulpers, shall be:

- (1) recycled or disposed of in an approved public or private community recycling or refuse facility; or
- (2) disposed of in an individual refuse facility, such as a landfill or incinerator that is sized, constructed, maintained, and operated according to law.

# PHYSICAL FACILITIES

## **MATERIALS FOR CONSTRUCTION AND REPAIR**

**Sections 362-363  
Item #27**

### **Section 362 Surface Characteristics of Materials for Indoor Area Construction and Repair**

- (a) Except as specified in subsection (b), materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:
  - (1) smooth, durable, and easily cleanable for areas where retail food establishment operations are conducted;
  - (2) closely woven and easily cleanable carpet for carpeted areas; and
  - (3) nonabsorbent for areas subject to moisture, such as:
    - (A) food preparation areas;
    - (B) walk-in refrigerators;
    - (C) warewashing areas;
    - (D) toilet rooms;
    - (E) mobile retail food establishment servicing areas; and
    - (F) areas subject to flushing or spray cleaning methods.
- (b) In a temporary food establishment:
  - (1) if graded to drain, a floor may be concrete, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable materials that are effectively treated to control dust and mud; and
  - (2) walls and ceilings may be constructed of a material that protects the interior from the weather and windblown dust and debris.

### **Section 363 Surface Characteristics of Materials for Outdoor Area Construction and Repair**

- (a) The outdoor walking and driving areas shall be surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.
- (b) Exterior surfaces of buildings and mobile retail food establishments shall be of weather-resistant materials and shall comply with law.
- (c) Outdoor storage areas for refuse, recyclables, or returnables shall be of materials specified under sections 343 and 344 of this rule.

## **DESIGN, CONSTRUCTION, AND INSTALLATION**

**Sections 364-383  
Item # 28**

### **Section 364 Cleanability of Floors, Walls, and Ceilings**

Except as specified under section 367 of this rule, the floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are smooth and easily cleanable, except that anti-slip floor coverings or applications may be used for safety reasons.



## **Section 365 Cleanability of Floors, Walls, and Ceilings Relative to Utility Lines**

- (a) Utility service lines and pipes may not be unnecessarily exposed.
- (b) Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.
- (c) Exposed horizontal utility service lines and pipes may not be installed on the floor.

## **Section 366 Cleanability of Floors and Wall Junctures; Coved, and Closed or Sealed**

- (a) In retail food establishments in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than one thirty-second (1/32) inch.
- (b) The floors in retail food establishments in which water flush cleaning methods are used shall be provided with drains and be graded to drain, and the floor and wall junctures shall be coved and sealed.

## **Section 367 Installation and Restrictions of Floor Carpeting**

- (a) A floor covering, such as carpeting or similar material may not be installed as a floor covering in food preparation areas, walk-in refrigerators, warewashing areas, toilet room areas where handwashing lavatories, toilets, and urinals are located, refuse storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.
- (b) If carpeting is installed as a floor covering in areas other than those specified under subsection (a), it shall be:
  - (1) securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another method; and
  - (2) installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or some other means.

## **Section 368 Mats and Duckboards as Floor Coverings**

Mats and duckboards shall be designed to be removable and easily cleanable.

## **Section 369 Wall and Ceiling Coverings and Coatings**

- (a) Wall and ceiling covering materials shall be attached so that they are easily cleanable.
- (b) Except in areas used only for dry storage, concrete, porous blocks, or bricks used for indoor wall construction shall be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface.

## **Section 370 Wall and Ceiling Attachments**

- (a) Except as specified in subsection (b), attachments to walls and ceilings, such as light fixtures, mechanical room ventilation system components, vent covers, wall mounted fans, decorative items, and other attachments shall be easily cleanable.
- (b) In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.

## **Section 371 Exposure of Wall and Ceiling Studs, Joists, and Rafters**

Studs, joists, and rafters may not be exposed in areas subject to moisture. This requirement does not apply to temporary food establishments.

## **Section 372 Functionality of Light Bulbs and Protective Shielding**

- (a) Except as specified in subsection (b), light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is:
  - (1) exposed food;
  - (2) clean equipment, utensils, and linens; or
  - (3) unwrapped single-service and single-use articles.
- (b) Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages if:
  - (1) the integrity of the packages can not be affected by broken glass falling onto them; and
  - (2) the packages are capable of being cleaned of debris from broken bulbs before the packages are opened.
- (c) An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

## **Section 373 Design of Heating, Ventilating, and Air Conditioning System Vents**

Heating, ventilating, and air conditioning systems shall be designed and installed so that make-up air intake and exhaust vents do not cause contamination of food, food-contact surfaces, equipment, or utensils.

## **Section 374 Design and Installation of Insect Control Devices**

- (a) Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device.
- (b) Insect control devices shall be installed so that:
  - (1) the devices are not located over a food preparation area; and
  - (2) dead insects and insect fragments are prevented from being impelled onto or falling on:
    - (A) exposed food;
    - (B) clean equipment, utensils, and linens; and
    - (C) unwrapped single-service and single-use articles.

## **Section 375 Enclosed Toilet Rooms**

- (a) A toilet room located on the premises shall be completely enclosed and provided with a tight-fitting and self-closing door, except that this requirement does not apply to a toilet room that is located outside a retail food establishment and does not open directly into the retail food establishment, such as a toilet room that is provided by the management of a shopping mall.
- (b) Toilet room doors shall be kept closed, except during cleaning and maintenance.

## **Section 376 Protected Outer Openings**

- (a) Except as specified in this section, outer openings of a retail food establishment shall be protected against the entry of insects and rodents by:
  - (1) filling or closing holes and other gaps along floors, walls, and ceilings;
  - (2) closed, tight-fitting windows; and

- (3) solid, self-closing, and tight-fitting doors.
- (b) Subsection (a) does not apply if a retail food establishment opens into a larger structure, such as a mall, airport, or office building, or into an attached structure, such as a porch, and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.
- (c) External emergency exit doors that are solid and tight-fitting when closed and are restricted from non-emergency use, do not need to have a self-closing device installed.
- (d) Except as specified in subsections (b) and (e), if the windows or doors of a retail food establishment, or of a larger structure within which a retail food establishment is located, are kept open for ventilation or other purposes or a temporary food establishment is not provided with windows and doors as specified under subsection (a), the openings shall be protected against the entry of insects and rodents by:
  - (1) sixteen (16) mesh to one (1) inch screens;
  - (2) properly designed and installed air curtains; or
  - (3) other effective means.
- (e) Subsection (d) does not apply if flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting condition.

### **Section 377 Protective Barriers on Exterior Walls and Roofs**

Perimeter walls and roofs of a retail food establishment shall effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

### **Section 378 Overhead Protection on Outdoor Food Vending Areas**

If located outdoors, a machine used to vend food shall be provided with overhead protection, except that machines vending canned beverages need not meet this requirement.

### **Section 379 Overhead Protection on Outdoor Servicing Areas**

Servicing areas shall be provided with overhead protection, except that areas used only for the loading of water or the discharge of sewage and other liquid waste through the use of a closed system of hoses, need not be provided with overhead protection.

### **Section 380 Outdoor Walking and Driving Surfaces Graded to Drain**

Exterior walking and driving surfaces shall be graded to drain.

### **Section 381 Outdoor Refuse Areas; Curbed and Graded to Drain**

Outdoor refuse areas shall be constructed in accordance with law and shall be curbed and graded to drain to collect and dispose of liquid waste that results from the refuse and from cleaning the area and waste receptacles.

### **Section 382 Private Homes and Living or Sleeping Quarters; Use Prohibited**

A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for retail food establishment operations.

## **Section 383 Separation of Living or Sleeping Quarters**

Living or sleeping quarters located on the premises of a retail food establishment such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for retail food establishment operations by complete partitioning and solid self-closing doors.

## **NUMBERS AND CAPACITIES**

**Sections 384-391  
Item #29**

## **Section 384 Availability of Handwashing Cleanser**

Each handwashing lavatory or group of two (2) adjacent lavatories shall be provided with a supply of hand cleaning liquid, powder, or bar soap.

## **Section 385 Hand Drying Provisions**

Each handwashing lavatory or group of adjacent lavatories shall be provided with:

- (1) individual, disposable towels;
- (2) a continuous towel system that supplies the user with a clean towel; or
- (3) a heated-air hand drying device.

## **Section 386 Restrictions on Handwashing Aids and Devices**

A sink used for food preparation or utensil washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the handwashing aids and devices required for a handwashing lavatory as specified under sections 348(c), 384, and 385 of this rule.

## **Section 387 Waste Receptacles for Disposable Towels**

A handwashing lavatory or group of adjacent lavatories that is provided with disposable towels shall be provided with a waste receptacle as specified under section 348(c) of this rule.

## **Section 388 Availability of Toilet Tissue**

A supply of toilet tissue shall be available at each toilet.

## **Section 389 Lighting Intensity**

- (a) The light intensity shall be at least seventy (70) foot-candles on all food preparation surfaces and at equipment or utensil-washing work levels.
- (b) The light intensity shall be at least twenty (20) foot-candles at a distance of thirty (30) inches above the floor in:
  - (1) utensil and equipment storage areas;
  - (2) lavatory and toilet areas;
  - (3) walk-in refrigeration units;
  - (4) dry food storage areas; and
  - (5) all other areas.

This includes the areas where food is provided for consumer self-service, such as buffets and salad bars, and rooms during periods of cleaning.

- (c) The light intensity shall be at least twenty (20) foot-candles inside equipment, such as reach-in and under-counter refrigerators.

### **Section 390 Mechanical Ventilation**

Mechanical ventilation shall be provided in accordance with requirements of the Indiana Department of Fire and Building Safety and shall be of sufficient capacity to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.

### **Section 391 Designation of Dressing Areas or Lockers**

- (a) Dressing rooms or dressing areas shall be designated and used if employees routinely change their clothes in the establishment.
- (b) Lockers or other suitable facilities shall be provided and used for the orderly storage of employees' clothing and other possessions.

## **LOCATION AND PLACEMENT**

**Sections 392-394  
Item #30**

### **Section 392 Toilet Rooms Accessibility**

Toilet rooms shall be conveniently located and accessible to employees during all hours of operation.

### **Section 393 Designated Employee Areas**

- (a) Areas designated for employees to eat, drink, and use tobacco shall be located so that food, equipment, linens, and single-service and single-use articles are protected from contamination.
- (b) Lockers or other suitable facilities shall be located in a designated room or area where contamination of food, equipment, utensils, linens, and single-service and single-use articles can not occur.

### **Section 394 Segregation of Distressed Merchandise**

Products that are held by the retail food establishment for credit, redemption, or return to the distributor, such as damaged, spoiled, or recalled products, shall be segregated and held in designated areas that are separated from food, equipment, utensils, linens, and single-service and single-use articles.

**Section 395 Repairing Premises, Structures, and Attachments**

The physical facilities shall be maintained in good repair.

**Section 396 Physical Structures; Restrictions and Frequency of Cleaning**

- (a) The physical facilities shall be cleaned as often as necessary to keep them clean.
- (b) Cleaning shall be done during periods when the least amount of food is exposed, such as after closing. This requirement does not apply to cleaning that is necessary due to a spill or other accident.

**Section 397 Cleaning Floors; Dustless Methods**

- (a) Except as specified in subsection (b), only dustless methods of cleaning shall be used, such as wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust-arresting compounds.
- (b) Spills or drippage on floors that occur between normal floor cleaning times may be cleaned:
  - (1) without the use of dust-arresting compounds; and
  - (2) in the case of liquid spills or drippage, with the use of a small amount of absorbent compound, such as sawdust or diatomaceous earth, applied immediately before spot cleaning.

**Section 398 Cleaning Ventilation Systems**

- (a) Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials.
- (b) If vented to the outside, ventilation systems may not create a public health hazard or nuisance or unlawful discharge.

**Section 399 Cleaning Maintenance Tools and Preventing Contamination \***

Food preparation sinks, handwashing lavatories, and warewashing equipment may not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water and similar liquid wastes.

**Section 400 Drying Mops**

After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.

**Section 401 Limitation of Absorbent Materials on Floors**

Except as specified in section 397(b) of this rule, sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials may not be used on floors.

## **Section 402 Controlling Pests \***

The presence of insects, rodents, and other pests shall be controlled to minimize their presence on the premises by:

- (1) routinely inspecting incoming shipments of food and supplies; <sup>NC</sup>
- (2) routinely inspecting the premises for evidence of pests; <sup>NC</sup>
- (3) using methods, if pests are found, such as trapping devices or other means of pest control as specified under sections 411, 419, and 420 of this rule; and
- (4) eliminating harborage conditions. <sup>NC</sup>

## **Section 403 Removing Dead or Trapped Birds, Insects, Rodents, and Other Pests**

Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or attraction of pests.

## **Section 404 Storing Maintenance Tools**

- (a) Maintenance tools, such as brooms, mops, vacuum cleaners, and similar items shall be stored so they do not contaminate food, equipment, utensils, linens, and single-service and single-use articles.
- (b) These same maintenance tools shall be stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

## **Section 405 Maintaining Premises of Unnecessary Items and Litter**

The premises shall be free of litter and items that are unnecessary to the operation or maintenance of the establishment, such as equipment that is nonfunctional or no longer used.

## **Section 406 Prohibiting Animals \***

- (a) Except as specified in this section, live animals may not be allowed in the operational areas of a retail food establishment.
- (b) Live animals may be allowed if the contamination of food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot result as in the following situations:
  - (1) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems.
  - (2) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas.
  - (3) In areas that are not used for food preparation and are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or person, if a health or safety hazard will not result from the presence or activities of the service animal.
  - (4) Pets in the common dining areas of group residences at times other than during meals if:
    - (A) effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas;
    - (B) condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and
    - (C) dining areas, including tables, countertops, and similar surfaces, are effectively cleaned before the next meal service.
  - (5) In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly restricted, such as in a variety store that sells pets or a tourist park that displays animals.
- (c) Live or dead fish bait may be stored if contamination of:

- (1) food;**
- (2) clean equipment, utensils, and linens; and**
- (3) unwrapped single-service and single-use articles;**  
**cannot result.**



# POISONOUS OR TOXIC MATERIALS

## **LABELING AND IDENTIFICATION**

**Sections 407-408**

**Item #32**

### **Section 407 Identifying Information on Original Containers \***

Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.

### **Section 408 Working Containers; Common Name \***

Working containers used for storing poisonous or toxic materials, such as cleaners and sanitizers taken from bulk supplies, shall be clearly and individually identified with the common name of the material.

## **OPERATIONAL SUPPLIES AND APPLICATIONS**

**Sections 409-424**

**Item #33**

### **Section 409 Separation of Poisonous or Toxic Materials \***

Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

- (1) separating the poisonous or toxic materials by spacing or partitioning; <sup>S</sup> and
- (2) locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.

This section does not apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

### **Section 410 Restriction of Poisonous or Toxic Materials \***

- (a) Only those poisonous or toxic materials that are required for the operation and maintenance of a retail food establishment, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, shall be allowed in a retail food establishment. <sup>S</sup>
- (b) Subsection (a) does not apply to packaged poisonous or toxic materials that are for retail sale.

### **Section 411 Conditions of Poisonous or Toxic Materials Use \***

- (a) Poisonous or toxic materials shall be used according to the following:
  - (1) The law and this rule.
  - (2) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a retail food establishment.
  - (3) The conditions of certification for use of the pest control materials.
  - (4) Additional conditions that may be established by the regulatory authority.

- (b) Poisonous or toxic materials shall be applied so that:
  - (1) a hazard to employees or other persons is not constituted; and
  - (2) contamination, including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented, and for a restricted use pesticide, this is achieved by:
    - (A) removing the items;
    - (B) covering the items with impermeable covers; or
    - (C) taking other appropriate preventive actions; and cleaning and sanitizing equipment and utensils after application.
- (c) A restricted use pesticide shall be applied only by an applicator certified according to law, or a person under the direct supervision of a certified applicator.

#### **Section 412 Poisonous or Toxic Material Containers \***

A container previously used to store poisonous or toxic materials may not be used to store, transport, or dispense food.

#### **Section 413 Sanitizers; Criteria \***

Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements specified in 21 CFR 178.1010.

#### **Section 414 Chemicals for Washing Fruits and Vegetables; Criteria \***

Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315.

#### **Section 415 Boiler Water Additives; Criteria \***

Chemicals used as boiler water additives shall meet the requirements specified in 21 CFR 173.310.

#### **Section 416 Drying Agents; Criteria \***

- (a) Drying agents used in conjunction with sanitization shall contain only components that are listed as one (1) of the following:
  - (1) Generally recognized as safe for use in food as specified in 21 CFR 182 or 21 CFR 184.
  - (2) Generally recognized as safe for the intended use as specified in 21 CFR 186.
  - (3) Approved for use as a drying agent under a prior sanction specified in 21 CFR 181.
  - (4) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR 175 through 21 CFR 178.
  - (5) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39.
- (b) When sanitization is with chemicals, the approval required under subsections (a)(3) or (a)(5) or the regulation as an indirect food additive required under subsection (a)(4), shall be specifically for use with chemical sanitizing solutions.

#### **Section 417 Incidental Food Contact with Lubricants \***

Lubricants shall meet the requirements specified in 21 CFR 178.3570, if they are used on food-contact surfaces, on bearings and gears located on or within food-contact surfaces, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into food or onto food-contact surfaces.

#### **Section 418 Restricted Use Pesticides; Criteria \***

Restricted use pesticides specified under section 411(c) of this rule shall meet the requirements specified in 40 CFR 152, Subpart I.

#### **Section 419 Rodent Bait Stations \***

Rodent bait shall be contained in a covered, tamper-resistant bait station.

#### **Section 420 Use of Tracking Powders; Pest Control and Monitoring \***

- (a) A toxic tracking powder pesticide may not be used in a retail food establishment.
- (b) If used, a nontoxic tracking powder, such as talcum or flour, may not contaminate food, equipment, utensils, linens, and single-service and single-use articles. <sup>NC</sup>

#### **Section 421 Medicine Restrictions and Storage \***

- (a) Only those medicines that are necessary for the health of employees shall be allowed in a retail food establishment. This section does not apply to medicines that are stored or displayed for retail sale.
- (b) Medicines that are in a retail food establishment for the employees' use shall be labeled as specified under section 407 of this rule and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

#### **Section 422 Refrigerated Medicines; Storage \***

Medicines belonging to employees or to children in a child care center that require refrigeration and are stored in a food refrigerator shall be stored in a package or container and kept inside a covered, leakproof container that is identified as a container for the storage of medicines; and located so they are inaccessible to children.

#### **Section 423 Storage of First Aid Supplies \***

- (a) First aid supplies that are in a retail food establishment for the employees' use shall be labeled as specified under section 407 of this rule. <sup>S</sup>
- (b) First aid supplies shall be stored in a kit or a container that is located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles. <sup>S</sup>

#### **Section 424 Storage of Other Personal Care Items**

Except as specified under sections 422 and 423 of this rule, employees shall store their personal care items in facilities as specified under section 391(b) of this rule.

**Section 425 Separate Storage and Display of Poisonous or Toxic Materials \***

Poisonous or toxic materials shall be stored and displayed for retail sale so they can not contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

- (1) separating the poisonous or toxic materials by spacing or partitioning; <sup>S</sup> and
- (2) locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.

# COMPLIANCE AND ENFORCEMENT

## CODE APPLICABILITY / REGISTRATION / ACCESS

Sections 426-429  
Item #35

### Section 426 Public Health Protection

- (a) The regulatory authority shall uniformly apply this rule to all retail food establishments in a reasonable manner that promotes its underlying purpose of safeguarding public health and ensuring that food is safe, not misbranded, unadulterated, and honestly presented when offered to the consumer.
- (b) In enforcing the provisions of this rule, the regulatory authority shall assess existing facilities or equipment that were in use before the effective date of this rule based on the following considerations:
  - (1) Whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition.
  - (2) Whether food-contact surfaces comply with sections 184 through 195 of this rule.
  - (3) Whether the capacities of cooling, heating, and holding equipment are sufficient to comply with section 232 of this rule.
  - (4) The existence of a documented agreement with the retail food establishment that the facilities or equipment will be replaced or upgraded.

### Section 427 Prerequisite for Operation

- (a) A person may not operate a retail food establishment without first having registered with the department as required under IC 16-42-1-6.
- (b) A retail food establishment registered with a local health department or other regulatory authority shall be considered registered with the department under IC 16-42-1-6.
- (c) To allow verification that the retail food establishment is constructed, equipped, and otherwise meets requirements of this rule, the regulatory authority shall be notified of an intent to operate at least thirty (30) days prior to registering under this rule.

### Section 428 Access Allowed at Reasonable Times After Due Notice

After the regulatory authority presents official credentials and expresses an intent to conduct an inspection, investigation, or to collect food samples, the person-in-charge shall allow the regulatory authority to determine if the retail food establishment is in compliance with this rule by allowing access to the establishment, and providing information and records specified in this rule and to which the regulatory authority is entitled according to law, during the retail food establishment's hours of operation and other reasonable times.

### Section 429 Ceasing Operations, Reporting, and Resumption of Operations

- (a) Except as specified in subsection (b), a retail food establishment shall immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist because of an emergency, such as:
  - (1) a fire;
  - (2) a flood;
  - (3) an extended interruption of electrical or water service;

- (4) a sewage backup;
  - (5) a misuse of poisonous or toxic materials;
  - (6) an onset of an apparent foodborne illness outbreak;
  - (7) a gross insanitary occurrence or condition; or
  - (8) other circumstance that may endanger public health.
- (b) A retail food establishment need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.
  - (c) If operations are discontinued as specified under this section or otherwise according to law, the retail food establishment shall obtain approval from the regulatory authority before resuming operations.

<b>CONSTRUCTION PLANS / REQUIREMENTS FOR OTHER PUBLIC HEALTH HAZARDS OR NUISANCES</b>	<b>Sections 430-433 Item #36</b>
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### **Section 430 Requirement for Facility and Operating Plans**

The owner or other authorized agent of an existing or proposed retail food establishment shall submit to the regulatory authority properly prepared plans and specifications for review and approval before:

- (1) the construction of a retail food establishment;
- (2) the conversion of an existing structure for use as a retail food establishment; or
- (3) the remodeling of a retail food establishment or a change of type of retail food establishment or food operation if the regulatory authority determines that plans and specifications are necessary to ensure compliance with this rule.

### **Section 431 Contents and Specifications for Facility and Operating Plans**

The plans and specifications for a retail food establishment shall include, as required by the regulatory authority based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate compliance with rule provisions:

- (1) Intended menu.
- (2) Anticipated volume of food to be stored, prepared, and sold or served.
- (3) Proposed layout, mechanical schematics, construction materials, and finish schedules.
- (4) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications.
- (5) Evidence that standard procedures that ensure compliance with this rule are developed or are being developed.
- (6) Other information that may be required by the regulatory authority for the proper review of the proposed construction, conversion or modification, and procedures for operating a retail food establishment.

### **Section 432 Preventing Health Hazards; Provisions for Conditions Not Addressed**

- (a) If necessary to protect against public health hazards or nuisances, the regulatory authority may temporarily impose specific requirements in addition to the requirements contained in this rule that are authorized by law.
- (b) The regulatory authority shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the retail food establishment and a copy shall be maintained in the regulatory authority's file for the retail food establishment.

## **Section 433 Incorporation by Reference**

- (a) When used in this article, references to the following publications shall mean the version of that publication listed below. The following publications are hereby incorporated by reference:
- (1) 7 CFR 56 (January 1, 1999 Edition).
  - (2) 9 CFR 317 (January 1, 1999 Edition).
  - (3) 9 CFR 318.7 (January 1, 1999 Edition).
  - (4) 9 CFR 319 (January 1, 1999 Edition).
  - (5) 9 CFR 381, Subpart N (January 1, 1999 Edition).
  - (6) 9 CFR 381.147 (January 1, 1999 Edition).
  - (7) 9 CFR 590 (January 1, 1999 Edition).
  - (8) 21 CFR 101 (April 1, 1999 Edition).
  - (9) 21 CFR 129 (April 1, 1999 Edition).
  - (10) 21 CFR 130 (April 1, 1999 Edition).
  - (11) 21 CFR 131 through 21 CFR 169 (April 1, 1999 Edition).
  - (12) 21 CFR 170 through 21 CFR 186 (April 1, 1999 Edition).
  - (13) 21 CFR 1030.10 (April 1, 1999 Edition).
  - (14) 40 CFR 152, Subpart I (July 1, 1999 Edition).
  - (15) 40 CFR 185 (July 1, 1999 Edition).
  - (16) Food, Drug and Cosmetic Act, Section 201 (s).
  - (17) Food, Drug and Cosmetic Act, Section 201 (t).
  - (18) Food, Drug and Cosmetic Act, Section 409.
  - (19) Food, Drug and Cosmetic Act, Section 706.
  - (20) United States Standards, Grades, and Weight classes for Shell Eggs (AMS 56.200 *et seq.*) (Effective April 6, 1995). Copies are available from the United States Department of Agriculture, Agricultural Marketing Service, Poultry Programs, P.O. Box 964, Washington, D.C. 20090-6456.
  - (21) National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish (1997 Revision). Copies are available from the United States Food and Drug Administration, Center for Food Safety and Applied Nutrition, Shellfish Sanitation Program, HFS-628, 200 "C" Street, S.W., Washington, D.C. 20204.
- (b) Federal rules which have been incorporated by reference do not include any later amendments than those specified in the incorporated citation. Sales of the Code of Federal Regulations are handled exclusively by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

# APPENDIX A

## CROSS REFERENCE INDEX

### Rule 410 IAC 7-20 Retail Food Establishment Sanitation Requirements

Inspection Report Form		Rule 410 IAC 7-20	
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## **APPENDIX B**

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## APPENDIX B (cont'd)

### MENU TYPE

1	Pre-packaged potentially hazardous foods only. Limited preparation of nonpotentially hazardous foods only.
2	Limited menu (1 or 2 main items). Pre-packaged raw ingredients are cooked or prepared to order. Retail food operations exclude deli or seafood departments. Raw ingredients require minimal assembly. Most products are cooked/prepared and served immediately. Hot and cold holding of potentially hazardous foods is restricted to single meal service. Preparation processes requiring cooking, cooling, and reheating are limited to 1 or 2 potentially hazardous foods.
3	Extensive handling of raw ingredients. Preparation process includes the cooking, cooling, and reheating of potentially hazardous foods. A variety of processes require hot and cold holding of potentially hazardous food. Advance preparation for next day-service is limited to 2 or 3 items. Retail food operations include deli and seafood departments.
4	Extensive handling of raw ingredients. Preparation processes include the cooking, cooling, and reheating of potentially hazardous foods. A variety of processes require hot and cold holding of potentially hazardous foods. Food processes include advanced preparation for next-day service. Category would also include those facilities whose service population is highly susceptible.
5	Extensive handling of raw ingredients. Food processing at the retail level, e.g., smoking and curing; reduced oxygen packaging for extended shelf-life.

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